

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREGORY BENNETT,

Defendant.

ORDER

14-cv-392-bbc

06-cr-126-bbc

Defendant Gregory Bennett has filed a motion for post conviction relief under 28 U.S.C. § 2255. His motion was received by this court on May 30, 2014, which is beyond the one year after his conviction became final (May 14, 2014), but it appears that defendant placed the motion in the institution mail system on May 5, 2014. (Had it not been for his error in using the court's old post office box, the motion would have been timely.) I conclude that the motion should be considered timely under Rule 3(d) of the Rules Governing Section 2255 Proceedings of the United States District Courts.

The government may have until June 23, 2014, in which to file its response; defendant may have until July 7, 2014, to file his reply.

Defendant's motion for appointment of counsel is denied at this time. If it is

necessary to hold an evidentiary hearing, counsel will be appointed at that time.

Entered this 2d day of June, 2014.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge