

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

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DALE R. FRELAND,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.  
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ORDER

16-cv-355-bbc

96-cr-35-bbc

Petitioner Dale R. Freland moved for the appointment of counsel in connection with his motion for post conviction relief under 28 U.S.C. § 2255. Dkt. #3. I referred the matter to the Federal Defender, who reviewed the motion and declined to represent petitioner. My own review of petitioner's motion supports that decision.

As explained in the order entered on October 19, 2016, dkt. #4, petitioner cannot go forward on his claim that he had been sentenced erroneously in 1997 for two separate counts of bank robbery, one actual and one attempted, and one count of using and carrying a weapon in relation to a crime of violence. He is barred from proceeding because his motion is untimely. He did not file it within one year after the date on which the judgment of conviction had become final and he could not show that any other filing period applied to him. 28 U.S.C. § 2255(f). Because the motion was untimely, it would have been futile to have appointed counsel to represent him on his claim.

ORDER

IT IS ORDERED that defendant Dale R. Freland's motion for appointment of counsel, dkt. #3, is DENIED.

Entered this 20th day of October, 2016.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge