

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JACK ERVAN, III,

Defendant.

ORDER

99-CR-0106-C

Defendant Jack Ervan, III has filed a “Motion for Leave to Proceed In Forma Pauperis” and “Motion for Release on Bail Pending the Disposition of Appeal; Pursuant to the Bail Reform Act; Title 18 U.S.C. 3143 (b)(1) and 3145(c).” His motions are dated May 30, 2005 and were received by the court on June 3, 2005. On May 26, 2005, the United States Court of Appeals for the Seventh Circuit denied defendant’s application to file a successive petition under 28 U.S.C. § 2244(b)(3) and dismissed his appeal. I assume that defendant had not yet received a copy of the court of appeals’ May 26, 2005 order dismissing his appeal before he mailed out his motions to this court. Because there is no appeal pending in this case, defendant’s motions are moot.

ORDER

IT IS ORDERED that defendant's Motion for Leave to Proceed In Forma Pauperis and Motion for Release on Bail Pending the Disposition of Appeal; Pursuant to the Bail Reform Act; Title 18 U.S.C. 3143 (b)(1) and 3145(c) are DENIED as moot.

Entered this 9th day of June, 2005.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge