

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JACK ERVAN,

Defendant.

ORDER

99-CR-0106-03

Defendant Jack Ervan has renewed his request for an enlargement of time in which to file a § 2255 motion, adding more allegations about his inability to file a timely motion.

It is beyond my authority to give defendant additional time in which to file his motion. However, if he believes he can show the extraordinary conditions that justify equitable tolling, he should file his motion as soon as he can and set forth in detail exactly what impediments he believes have made it impossible for him to file the motion within the time limits set by § 2255. It is unlikely but not entirely impossible that he can make the necessary showing.

ORDER

IT IS ORDERED that defendant Jack Ervan's motion for an enlargement of time in which to file a motion pursuant to 28 U.S.C. § 2255 is DENIED.

Entered this 6th day of February, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge