

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

BERNARD BRISCO,

Defendant.  
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OPINION AND ORDER

05-C-0139-C  
02-CR-0027-C

In an order entered on June 2, 2005, I vacated the judgment entered on May 9, 2005, denying defendant Bernard Brisco's motion for post-conviction relief, to allow additional briefing on one issue: whether defendant was sentenced improperly on counts 2 and 4-7 of the indictment because the jury did not find that the form of the cocaine he distributed was crack. The parties had until July 1, 2005, in which to complete briefing on the issue. On June 30, 2005, the court received a letter from defendant's case manager at the U.S. Penitentiary at Leavenworth, Kansas, saying that defendant was unable to respond in a timely manner because he was about to be transferred from the penitentiary and did not have his legal work in his possession. Before the court could respond to the case manager's request for an extension, defendant filed a reply to the government's memorandum in

opposition to his motion to correct his sentence, which was received on July 1, 2005. Despite having filed a five-page reply, defendant asks the court to stay a ruling on the last issue until after he has received his legal papers and can “request this court to rule on all matters,” Dft.s Reply, dkt. #217, at 4.

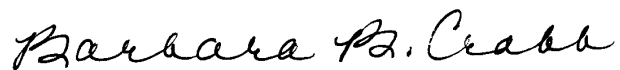
Although it is difficult to imagine any argument defendant can add to his reply, I will grant his request. He may have until August 15, 2005, in which to supplement his reply brief, but he must limit his briefing to the one remaining issue related to the propriety of sentencing him for distributing crack cocaine.

ORDER

IT IS ORDERED that defendant Bernard Brisco may have until August 15, 2005, in which to file and serve a supplemental reply brief.

Entered this 12th day of July, 2005.

BY THE COURT:

A handwritten signature in black ink, reading "Barbara B. Crabb". The signature is written in a cursive, flowing style.

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BARBARA B. CRABB  
District Judge