

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

ERNEST E. BROOKS,

Defendant.  
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ORDER

05-C-0469-C

02-CR-0027-C

On August 18, 2005, defendant Ernest E. Brooks filed a motion to reconsider the judgment entered in this case on August 9, 2005, denying as untimely his motion for relief pursuant to 28 U.S.C. § 2255. I construe defendant's motion as a timely motion to alter or amend the judgment pursuant to Fed. R. Civ. P. 59. Defendant contends that because he was held in segregation and only had limited access to the law library, he has established extraordinary conditions that would justify equitable tolling of the statutory one-year filing period. However, as I explained to defendant when I denied his request for an extension of time in which to file his § 2255 motion, although his circumstances present some impediments to legal research, they were not so restrictive as to establish the kind of

extraordinary conditions that would justify equitable tolling.

Because nothing in defendant's motion convinces me that it was a mistake to deny his § 2255 motion as untimely, the motion will be DENIED.

ORDER

Defendant Ernest E. Brooks' motion pursuant to Fed. R. Civ. P. 59 to alter or amend the judgment herein on August 9, 2005, is DENIED.

Entered this 19th day of August, 2005.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge