

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

JOSIAH L. WASHINGTON,

Petitioner,

ORDER

v.

03-C-0327-C

DAN BENIK,

Respondent.

On July 18, 2003, this court entered an order denying petitioner Josiah L. Washington's request for a certificate of appealability and for leave to proceed in forma pauperis on appeal from this court's order dismissing with prejudice his petition for a writ of habeas corpus under 28 U.S.C. § 2254. On July 21, 2003, the clerk of court prepared and sent the record on appeal to the United States Court of Appeals for the Seventh Circuit.

On July 29, 2003, this court received a notice of appeal and a motion for appointment of counsel from petitioner Josiah Washington. Because it appears that the notice of appeal does not raise any new issues but was filed as a precautionary measure by plaintiff, I will take no action on it. The clerk of court is directed to forward petitioner's

request for the appointment of counsel to the court of appeals, which now has jurisdiction over this case.

Dated this 5th day of August, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge