

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

-----  
KURT MEYER,

Petitioner,

v.

QUALA CHAMPAGNE, Warden, Racine  
County Correctional Institution,

Respondent.  
-----

ORDER

03-C-0589-C

Petitioner Kurt Meyer has filed objections to the report and recommendation entered herein by United States Magistrate Stephen L. Crocker on February 27, 2004. Respondent objects to only one matter in the report and recommendation: the magistrate's recommendation that the court find that the state courts properly denied petitioner's claim that his trial lawyer was ineffective in failing to ensure that the jury did not see petitioner in shackles during the trial. Respondent argues that his counsel should have asked the judge to take a recess to allow respondent to take the stand without letting the jurors see his shackles.

The state courts held that petitioner's counsel provided petitioner reasonable

representation at his trial. In order to prevail on this petition for writ of habeas corpus, petitioner must show that the state courts' holding amounted to a clear error. As the magistrate judge explained, petitioner has failed to meet this high standard.

I agree with the magistrate judge that the Wisconsin Court of Appeals did not apply Strickland v. Washington, 466 U.S. 668 (1984) unreasonably when it determined that petitioner's counsel was not ineffective for failing to make the appropriate motions at trial for keeping the jury from seeing that petitioner was wearing leg shackles. Furthermore, I agree that petitioner's counsel was not ineffective when he did not raise this issue on appeal.

#### ORDER

IT IS ORDERED that the report and recommendation entered by the United States magistrate judge on February 27, 2004, is ADOPTED. Furthermore, IT IS ORDERED that

the petition of Kurt Meyer for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is  
DENIED.

Entered this 2nd day of April, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge