

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

DAVID DAHLER,

Petitioner,

ORDER

v.

03-C-670-S

JOSEPH SCIBANA,

Respondent.

The United States Court of Appeals has remanded the above entitled matter to this Court with instructions to construe petitioner's Rule 60(b) motion attacking his sentence as a successive collateral attack. Accordingly, the Court will dismiss petitioner's motion for lack of jurisdiction under Nunez v. United States 96 F.3d 990 (7th Cir. 1996).

ORDER

IT IS ORDERED that petitioner's petition under Rule 60(b) attacking his sentence is DISMISSED for lack of jurisdiction.

Entered this 23rd day of March, 2006.

BY THE COURT:

S/

JOHN C. SHABAZ
District Judge