

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

JEROME PATRICK BETHEA,

Petitioner,

v.

RICHARD L. STIFF,

Respondent.

OPINION AND ORDER

03-C-0015-C

On April 22, 2003, I denied petitioner Jerome Patrick Bethea's petition for a writ of habeas corpus brought pursuant to 28 U.S.C. § 2241. On April 25, 2003, judgment was entered. On May 7, 2003, petitioner filed a motion for reconsideration pursuant to Fed. R. Civ. P. 59, in which he argues that this court overlooked (1) the videotape evidence; (2) the fingerprint evidence; and (3) the fact there was no justifiable reason for the delay in his incident report given the incident occurred on January 27, 2002. However, I addressed each of these issues in the April 22 opinion. Because nothing in petitioner's motion for reconsideration convinces me that I erred in dismissing his petition, his motion will be denied.

Petitioner's timely filed Rule 59 motion stopped the clock running on the time period

within which plaintiff had to appeal from the judgment. Averhost v. Arrendondo, 773 F.2d 919, 920 (7th Cir. 1985). Entry of this decision starts the clock again. Therefore, plaintiff has 30 days from the date of entry of this order in which to file a notice of appeal, if he wishes to appeal.

Entered this 12th day of May, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge