

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

NATHANIEL A. LINDELL,

Petitioner,

v.

GERALD BERGE, Warden,
Wisconsin Secure Program Facility,

Respondent.

ORDER

04-C-249-C

Before the court is petitioner's motion for an extension of a twenty-day deadline to file a reply in this § 2254 habeas case. What makes this request unusual is that the twenty days hasn't even started to run yet. Based on the service date of the petition, respondent's response (in the form of a motion to dismiss or an actual response) will be due sometime in early July. Pursuant to the order to show cause, petitioner then will have 20 days within which to respond to the state's filing.

Without even waiting to see the nature of the response, petitioner proactively has requested that the court allow him at least 40 days to file his response/reply. In support, petitioner claims that this is a complex case, that he currently is busy preparing appeals from two previous civil cases, and that his access to his institution's legal computer is limited.

This case and the applicable statutes are not as complex as petitioner portrays them, and his concern about access to legal materials, while understandable, is ameliorated by this

court's practice of thoroughly researching the law applicable to every § 2254 petition. Finally, this court is unsympathetic to petitioner's claim that he is busy with appellate briefs. Petitioner is a serial litigant (six other lawsuits in this court alone since 2001) whose scheduling difficulties are self-inflicted. In any event, his deadlines for his appellate briefs will have passed before or soon after the state's response even is due in this case, so petitioner will have a sufficient opportunity to dedicate his attention solely to this petition if he chooses.

The bottom line is that there is no reason to give petitioner special treatment in this case. Petitioner's motion for an extension of time is DENIED.

Entered this 10th day of June, 2004.

BY THE COURT:

STEPHEN L. CROCKER
Magistrate Judge