

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

MARTY LEE BELEW,

Petitioner,

v.

JOSEPH SCIBANA, Warden,

Respondent.

ORDER

04-C-314-C

This is a petition for a writ of habeas corpus brought pursuant to 28 U.S.C. § 2241, in which petitioner seeks an order requiring the Bureau of Prisons to compute his good time credits according to the dictates of 18 U.S.C. § 3624(b). In an order entered in this case on June 4, 2004, I stayed a decision whether to issue an order to show cause, pending the appointment of counsel in Perry v. Scibana, 04-C-332-C, and a determination whether a class should be certified to hear this precise claim. On June 18, 2004, I appointed Michael Gonring, Emily Feinstein and Adrienne Olson to represent the petitioners in Perry. Now petitioner has filed a motion in which he requests that this court lift the stay imposed in this case and appoint him counsel to pursue his claim independently. The motion will be denied.

Petitioner does not make any argument why his claim cannot be heard in the context

of a class suit and none is apparent from his petition. If a class is certified, the court will be able to dispose of the issue in one case, sparing the government, petitioners and the court the costs of multiple identical lawsuits. Petitioner's release date is sufficiently distant that he will not be prejudiced if he is required to wait for a determination whether his claims will be litigated by counsel in a class suit.

ORDER

IT IS ORDERED that petitioner Marty Lee Belew's motion to lift the stay in this case and appoint him counsel is DENIED.

Entered this 22nd day of June, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge