

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

DAVID SPOHR,

Petitioner,

v.

JOSEPH SCIBANA, Warden,

Respondent.

ORDER

04-C-329-C

In accordance with the mandate issued by the Court of Appeals for the Seventh Circuit on March 24, 2005, summarily reversing this court's order granting petitioner's petition for a writ of habeas corpus on the basis of White v. Scibana, 314 F. Supp.2d 834 (W.D. Wis. 2004), and remanding for denial of petitioner's petition consistent with its ruling in White v. Scibana, 390 F.3d 997 (7th Cir. 2004),

IT IS ORDERED that the judgment entered herein on June 25, 2004, is VACATED and petitioner David Spohr's petition for a writ of habeas corpus is DENIED for his failure

to show that he is in custody in violation of the constitution or laws of the United States.

Entered this 31st day of March, 2005.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge