

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

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JOHN R. CALDWELL,

Petitioner,

v.

JOSEPH SCIBANA, Warden,

Respondent.  
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ORDER

04-C-342-C

In an order entered in this case on June 23, 2004, I stated my view that a stay in this case is appropriate pending a decision by the Court of Appeals for the Seventh Circuit in White v. Scibana, No. 04-2410, unless otherwise ordered by this court. Now, Thomas G. Wilmouth, legal counsel with the Federal Defender Services of Wisconsin, Inc., has agreed to represent petitioner to argue that a stay should not be imposed in cases in which a petitioner's release to a halfway house is imminent. In this case, petitioner's documentation of the computation of his sentence and good credit time reveals that the Bureau of Prisons presently projects his release date as April 5, 2005, with transfer to a halfway house six

months earlier on October 5, 2004.<sup>1</sup> If petitioner's good conduct time is computed in the manner directed in White, his projected release date would be approximately 81 days earlier. Assuming the Bureau of Prisons would still wish to transfer petitioner to a halfway house six months before his projected release date, his transfer would occur in mid-July. Consequently, this is a case in which petitioner's possible transfer to a halfway house is imminent.

Accordingly, IT IS ORDERED that Thomas G. Wilmouth is APPOINTED as counsel for petitioner in this case. He may have until July 12, 2004, in which to file a motion to lift the stay imposed in this case, together with a brief in support. Although the petition in this case will not be served formally on the respondent unless the motion to lift the stay is granted, I am sending the United States Attorney for the Western District of Wisconsin a courtesy copy of the petition and a copy of this order. Mr. Wilmouth is requested to provide the United States Attorney with a copy of his motion and supporting brief. If the

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<sup>1</sup>On one computation sheet that petitioner submitted, his projected release date is shown as March 27, 2005 rather than April 5, 2005. The Bureau of Prisons is consistent, however, in projecting petitioner's release to a halfway house as October 5, 2004, which is the date that is important for the purpose of this order.

government chooses to oppose the motion, it may have until July 15, 2004, in which to do so.

Entered this 7th day of July, 2004.

BY THE COURT:  
BARBARA B. CRABB  
District Judge