

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

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MICHAEL RICHMOND,

Petitioner,

v.

JOSEPH SCIBANA, Warden of  
Oxford Prison Camp,

Respondent.  
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ORDER

04-C-417-C

In an order entered in this case on June 23, 2004, I imposed a stay of all proceedings pending a decision by the Court of Appeals for the Seventh Circuit in White v. Scibana, No. 04-2410. On October 4, 2004, petitioner filed a motion to lift the stay. That motion was denied on October 13, 2004, because petitioner had not submitted a sentence computation form from the Bureau of Prisons showing his term of imprisonment, good conduct time that has been both earned and disallowed, and his current release and pre-release preparation dates. Now petitioner has renewed his motion and supplied the necessary documentation to support his petition.

From the documentation petitioner has submitted, I find that he was sentenced on

October 29, 2001 to serve a 50-month term of imprisonment. The Bureau of Prisons presently projects petitioner's release date to be June 14, 2005, if he is awarded 196 days of projected and earned good conduct time. The documentation shows also that petitioner is presently projected for release to a halfway house on or around February 3, 2005. If petitioner's good conduct time were to be recalculated in accordance with White, his projected release date would be approximately 29 days earlier, and his eligibility for transfer to a halfway house may be similarly advanced.

As I told petitioner in the October 13 order denying his first motion to lift the stay imposed in this case, I will not lift the stay unless petitioner can show that he is entitled to imminent release or eligible for an imminent halfway house placement if his good conduct were to be recalculated in accordance with White. Petitioner has not done that. The documentation he has submitted shows that even if his good conduct time is recalculated, he will not be eligible for release or pre-release before the court of appeals is expected to rule on the appeal in White. (It is this court's expectation that a ruling will be forthcoming before the end of this year.)

Accordingly, IT IS ORDERED that petitioner Michael Richmond's second motion

to lift the stay imposed in this case is DENIED.

Entered this 28th day of October, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge