

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

KERI A. BURR,

Petitioner,

v.

RICHARD L. HUFF, F.B.I.,

Respondent.

ORDER

04-C-53-C

The Court of Appeals for the Seventh Circuit has asked petitioner to submit a docketing statement in connection with her appeal of this case. Instead of responding to the court of appeals, petitioner has filed in this court a document dated June 7, 2004, in which she asks for more time to submit the docketing statement. In addition, she asks for appointment of counsel to represent her on appeal. Finally, she appears to ask for reconsideration of the dismissal of her action in this court, arguing that this court erred in dismissing the case as legally frivolous.

It is too late for petitioner to obtain relief from the judgment entered in this case on February 10, 2004. If petitioner believed this court erred in dismissing her complaint as legally frivolous, she had ten days from the date of entry of the judgment of dismissal in

which to move to alter or amend the judgment pursuant to Fed. R. Civ. P. 59. Instead, petitioner filed a notice of appeal. Although this court denied petitioner's request for leave to proceed on appeal in forma pauperis and certified that her appeal was not taken in good faith, petitioner's appeal is still pending in the court of appeals. That means that this court no longer has jurisdiction to consider a motion to alter or amend the judgment of dismissal on its merits.

Petitioner's requests for an enlargement of time in which to file a docketing statement and for appointment of counsel should be directed to the court of appeals. It is not within this court's authority to modify deadlines set by the court of appeals or to appoint counsel to represent a party with an appeal.

ORDER

IT IS ORDERED that petitioner's motion to alter or amend the judgment is DENIED for lack of jurisdiction. Further, IT IS ORDERED that no decision will be rendered with respect to petitioner's motions for an enlargement of time to file a docketing statement and

for appointment of counsel because those motions are not properly filed in this court.

Entered this 15th day of June, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge