

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

FELICIANO T. DOUGLAS,

Petitioner,

ORDER

v.

05-C-0373-C

PHIL KINGSTON, Warden,
Waupun Correctional Institution,

Respondent.

On March 17, 2006, Feliciano Douglas filed a motion under Fed. R. App. P. 4(a)(6) to reopen the time for filing an appeal in this habeas corpus action. This court entered judgment denying the petition on December 5, 2005. According to the motion, petitioner's lawyer did not receive a copy of the judgment and did not discover until March 10, 2006 that it had been entered. Petitioner's lawyer asserts that he changed his mailing address just days before the judgment was mailed and did not receive his mail in a regular fashion in December; he surmises that the judgment must have been lost in the mail.

The motion will be granted. The motion was filed within the time period set out in Rule 4(a)(6)(A) and I accept counsel's assertion that he did not receive a copy of the judgment. Respondent will not be prejudiced by the granting of the motion. Accordingly,

ORDER

IT IS ORDERED that pursuant to Fed. R. App. P (4)(a)(6), petitioner's motion to reopen the time to file an appeal is GRANTED. Petitioner has until April 4, 2006, within which to file his appeal.

Entered this 21st day of March, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge