

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

-----  
KENNETH P. SARAUER,

Petitioner,

v.

STATE OF WISCONSIN,

Respondent.  
-----

ORDER

05-C-57-C

Plaintiff Kenneth P. Sarauer has responded to this court's order of February 2, 2005, clarifying that it is his intention to have this action treated as a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Therefore, as I indicated to petitioner in the February 2 order, I will direct the clerk of court to refund \$145 to him, which is the amount petitioner overpaid when he submitted a \$150 filing fee. Petitioner's petition will be taken under advisement for a determination whether an order should issue requiring a response to the petition. As soon as this determination is made, petitioner will be notified promptly.

ORDER

IT IS ORDERED that this action is to be treated as a petition for a writ of habeas

corpus pursuant to 28 U.S.C. § 2254.

Further, IT IS ORDERED that the clerk of court is directed to refund to petitioner \$145, which amount he paid over the \$5 fee for filing a habeas corpus action.

Entered this 11th day of February, 2005.

BY THE COURT:

BARBARA B. CRABB  
District Judge