

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

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LARRY SPENCER,

Petitioner,

ORDER

v.

05-C-666-C

CATHY FARREY, Warden,  
New Lisbon Correctional Institution,

Respondent.

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Petitioner Larry Spencer has filed a motion for reconsideration of this court's order entered March 14, 2007 denying petitioner's application for a writ of habeas corpus. Upon reading the motion, it appears that petitioner is under the impression that he must take some action in state court. Petitioner is incorrect. Although I found that it was unclear whether petitioner had exhausted his state court remedies with respect to his claim of ineffective assistance of postconviction/appellate counsel, I proceeded to adjudicate the merits of the claim as allowed by 28 U.S.C. § 2254(b)(2). Opinion and Order, March 14, 2007, dkt.#74, at 31-35. Thus, petitioner's claim that attorney Edwards provided ineffective assistance has been considered and a final determination reached on its merits. If petitioner wants to challenge that ruling or any other rulings this court has made in the course of deciding his habeas petition, then his next course of action is to file a notice of appeal in accordance with Rule 4(a) of the Rules of Appellate Procedure.

Nothing in petitioner's motion for reconsideration convinces me that I reached the wrong conclusion in denying his habeas petition. Accordingly, the motion will be denied.

ORDER

Petitioner's motion for reconsideration is DENIED.

Entered this 21<sup>st</sup> day of March, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB  
District Judge