

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

LARRY SPENCER,

Petitioner,

ORDER

v.

05-C-0666-C

CATHY FARREY, Warden,
New Lisbon Correctional Institution,

Respondent.

On September 19, 2006, petitioner Larry Spencer filed a “Motion to Argue and Show September 14, 2006 Criminal Complaint is a Lie.” In the motion, petitioner states his disagreement with various facts set forth in the state court criminal complaints that formed the basis for petitioner’s convictions of forgery and drug distribution.

On September 21, 2006, I entered an opinion and order granting respondent’s motion to dismiss the petition. Nothing in petitioner’s September 19, 2006 motion alters my conclusion that petitioner’s challenge to his forgery conviction is untimely and that his challenge to the drug conviction is procedurally defaulted. As explained in the September 21 opinion, petitioner’s claim that he is actually innocent of forgery does not excuse his failure to comply with the statute of limitations with respect to that conviction. As for the drug conviction, petitioner’s contention that the drug transactions were brokered by someone else, even if true, would not exonerate petitioner of the charge of drug delivery,

which was based on petitioner's having exchanged drugs hand-to-hand with an undercover officer.

Because the arguments set forth in petitioner's September 19 motion have already been considered and rejected by the court, the motion is moot.

ORDER

Petitioner's "Motion to Argue and Show September 14, 2006 Criminal Complaint is a Lie" is DENIED as moot.

Entered this 25th day of September, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge