

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.

Respondent has filed an answer to the petition for a writ of habeas corpus in which she asserts that petitioner has procedurally defaulted all of his claims except for his claim that his trial lawyer was ineffective for failing to seek an evaluation of petitioner's competency prior to the entry of his plea. Petitioner has filed a response to that answer in which he insists that he presented all of his other issues to the state courts.

To give full consideration to petitioner's contention, it would be helpful to review the briefs that petitioner submitted in response to his attorney's no merit report in the drug case, 01 CF 1242. In addition, respondent should advise whether petitioner filed any motions for postconviction relief or petitions for a writ of habeas corpus in the trial court or court of appeals, and if so, provide copies of those motions. Finally, the state should advise whether petitioner appealed the denial of those motions to the state court of appeals and supreme court.

Respondent should submit the above information to the court not later than
December 15, 2006.

Entered this 21st day of November, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge