

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 November 25, 2005, this court entered an order indicating that it would appoint a lawyer to represent petitioner in this habeas action, but only if petitioner is willing to work with counsel and understands that he would not get a second court-appointed lawyer if he becomes dissatisfied with the first. Petitioner has indicated that he is willing and understands. Accordingly,

ORDER

IT IS ORDERED that:

1. Pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A , this case is referred to Federal Defender Services of Wisconsin, Inc. for the assignment of counsel to represent petitioner with respect to his habeas challenge to his 2002 conviction in Dane County Circuit Court for forgery.

2. The scope of counsel's representation includes the filing of an amended petition on petitioner's behalf. The deadline for filing an amended petition is February 1, 2006. If counsel concludes in his or her professional judgment that no good faith basis exists for seeking a writ of habeas corpus on petitioner's behalf, he or she should advise the court of this in writing by the February 1 deadline.
3. In the event an amended petition is filed, this court will review it under Rule 4 of the Rules Governing Section 2254 Cases to determine whether the state must respond to it. In the meantime, the state's deadline for responding to the original petition remains stayed.

Entered this 8th day of December, 2005.

BY THE COURT:
/s/
STEPHEN L. CROCKER
Magistrate Judge