

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

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CHARLES E. HENNINGS,

Petitioner,

v.

GREG GRAMS, Warden,  
Columbia Correctional Institution,

Respondent.

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ORDER

05-C-0749-C

Petitioner Charles E. Hennings has filed objections to the report and recommendation entered by the United States Magistrate Judge on May 17, 2006. After reviewing those objections, I find that they merely restate the arguments petitioner made in support of his petition for a writ of habeas corpus. They do not provide any reason for finding that the magistrate judge erred in concluding that the petition should be denied.

Petitioner contends that he was convicted unlawfully because his trial lawyer was ineffective in failing to present an alibi defense for petitioner and for failing to present evidence tending to show that Landon Hayes and not petitioner had murdered Patrick Nash. He contends also that his post-conviction lawyer was ineffective in failing to pursue a claim of juror misconduct. As the magistrate judge explained in detail, the state courts considered

petitioner's contentions on their merits and reached reasonable conclusions in deciding that none of the contentions merited reversal of his conviction. Although petitioner disagrees, he has failed to show that the magistrate judge erred in concluding that the state court decisions were not unreasonable. That ends the inquiry.

Federal courts cannot overturn state court judgments on claims that have been adjudicated on their merits unless their adjudication resulted in a decision based on an unreasonable application of federal law to the facts or on an unreasonable determination of the facts. 28 U.S.C. § 2254(d). (Even if this court believed that the state court had made an unreasonable determination of petitioner's claim that his postconviction counsel had provided constitutionally ineffective assistance, § 2254(i) specifies that the "ineffectiveness or incompetence of counsel during Federal or State collateral post-conviction proceedings shall not be a ground for relief in a proceeding arising under Section 2254.").

#### ORDER

IT IS ORDERED that the recommendation of the United States Magistrate Judge is ADOPTED for the reasons set forth in his report of May 17, 2006 and petitioner Charles

E. Hennings's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, is  
DENIED.

Entered this 6th day of June, 2006.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge