

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

TIMOTHY SCHUMANN,

Defendant.

MEMORANDUM

05-C-0743-C

05-CR-0084-C

Defendant Timothy Schumann has written to the court to say that it erred in dismissing his motion "challenging the rules of laws under the sentencing guidelines which has to do with [his] 8th Amendment" under the assumption that defendant was bringing a second challenge to his sentence. Nothing that defendant says in his motion convinces me that it was a mistake to dismiss his motion. Any challenge to the sentencing guidelines is inherently a challenge to the sentence that was imposed upon him, not, as defendant maintains, a "civil infraction." As I told defendant in the order entered on March 1, 2006,

he must obtain leave from the court of appeals to file a second challenge to his sentence.

Entered this 3rd day of July, 2006.

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