

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

STEVEN ALAN MAGRITZ,

Petitioner,

v.

DEIRDRE MORGAN, Warden,
Oakhill Correctional Institution,

Respondent.

ORDER

06-C-590-C

Petitioner has filed a document titled "Request for Reconsideration of Assistance of Counsel," which I construe as a motion for reconsideration of the magistrate judge's November 15, 2006 order denying his motion for appointment of counsel. In addition, he has filed a "Notice of Default," in which he appears to be suggesting that respondent must accept as true his claims of illegal custody because I failed to answer 59 questions put to me in a letter "executed" on October 30, 2006. I construe this document as a motion for reconsideration of the magistrate judge's November 13, 2006 order noting that the letter is not a proper pleading, motion or other legal document recognized by the court and, therefore, did not require a response. Finally, petitioner has filed a letter dated October 26, 2006, in which requests his "immediate release on [his] personal recognizance pending [my]

anticipated final order.”

Turning first to petitioner’s motions for reconsideration of the magistrate judge’s November 13 and November 15 orders, I note that under 28 U.S.C. § 636(b)(1)(A), a district judge may reconsider a pretrial decision rendered by a magistrate judge “where it has been shown that the magistrate judge’s order is clearly erroneous or contrary to law.” Although petitioner objects to the magistrate judge’s determination that the claims raised in his petition are not likely to succeed and thus, having a lawyer would not make a difference in the outcome of the case and that his October 30 submission is not a proper submission in a habeas corpus action, he has not suggested any reason to believe that the orders were clearly erroneous. I find no evidence of legal error in either order. Accordingly, petitioner’s motions for reconsideration of the magistrate judge’s November 13 and November 15, 2006 orders are DENIED.

With respect to petitioner’s request for immediate release, the request is DENIED. Nothing in petitioner’s letter suggests that there is any reason under the facts of his case or

the law to order his release pending final resolution of his case.

Entered this 28th day of November, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge