

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

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JIMMIE ABERNATHY,

Petitioner,

v.

CARAVILLA HALFWAY HOUSE;  
T-DAP-CHICAGO;  
CATHY POLLARD, Halfway House Director; and  
NANCY WEIDE, Halfway House Assist. Dir.,

Respondents.  
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ORDER

06-C-667-C

Petitioner Jimmie Abernathy has asked for an enlargement of time within which to submit a trust fund account statement from the Federal Correctional Institution in Oxford, Wisconsin for the period beginning approximately May 8, 2006 and ending August 17, 2006, and from the Rock County jail for the period beginning on the date of his arrival in October and ending November 8, 2006. In addition, petitioner seeks more time in which to supplement his affidavit of indigency by writing the court to advise how much he earned from his work within the past six months at a temporary service in Janesville.

In support of his request, petitioner states that while he was in the process of

obtaining the information this court requested, he was moved from the Rock County jail to the Columbia County jail in Portage, Wisconsin. It appears reasonable under these circumstances that he will experience delays in receiving the information he is attempting to obtain from the Oxford prison and Rock County jail. Therefore, petitioner's request for an enlargement of time in which to submit the required documents will be granted.

Petitioner also states in his motion that his projected release date is February 17, 2007, but from information he has received, he is concerned he may not be released. He asks whether he can be held beyond his release date. Unfortunately, this court is in no position to know what the circumstances are that affect petitioner's release date. If, after February 17, 2007, he is detained beyond his release date and believes the detention is unlawful, he will have to petition for his release in state court. He cannot petition this court for habeas corpus relief until he exhausts all of his state court remedies. 28 U.S.C. § 2254.

#### ORDER

IT IS ORDERED that petitioner may have an enlargement of time to January 5, 2007, in which to submit a trust fund account statement from the Federal Correctional Institution in Oxford, Wisconsin for the period beginning approximately May 8, 2006 and ending August 17, 2006, and from the Rock County jail for the period beginning on the date of his arrival in October and ending November 8, 2006. In addition, petitioner may have

an enlargement of time to January 5, 2007, in which to supplement his affidavit of indigency by writing the court to advise how much he earned from his work within the past six months at a temporary service in Janesville.

Further, IT IS ORDERED that if, by January 5, 2007, petitioner fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily and the clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 15th day of December, 2006.

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