

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

LARRY HENDRIX,

Defendant.

ORDER

06-cr-54-bbc

08-cv-274-bbc

Defendant has filed a Motion to Alter or Amend the June 11, 2008 judgment denying his motion brought pursuant to 28 U.S.C. § 2255.

Defendant's motion must be denied as untimely. It is filed well beyond the ten-day time period within which defendant had to file a Rule 59 motion. Even if defendant's motion was timely, I am not persuaded that it was error to dismiss his motion. Defendant's only recourse at this time is to file a notice of appeal to include an appeal of the June 11, 2008 decision.

ORDER

IT IS ORDERED that defendant Larry Hendrix's untimely Rule 59 motion is

DENIED.

Entered this 16th day of July, 2008.

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