

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

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SHANE BRADLEY,

Petitioner,

ORDER

v.

07-C-325-S

STATE OF WISCONSIN,

Respondent.

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On August 31, 2007 judgment was entered dismissing petitioner's petition for writ of coram nobis. Petitioner now moves for tolling of time to file his reply brief, a reply brief and a motion for reconsideration. The Court has considered petitioner's brief as timely filed and has reconsidered its decision.

The Court reaches the same decision. Writs of coram nobis are limited to former prisoners who seek to escape the collateral civil consequences of wrongful convictions. Owens v. Boyd, 235 F.3d 356, 360 (7<sup>th</sup> Cir. 2000). To prevail on a petition for a writ of coram nobis, petitioner must show that the claim could not have been raised on direct appeal; the claimed error is a defect that "sap[s] the proceeding of any validity"; the conviction produced collateral civil disabilities and the error is of a type that "would have justified relief during the term of imprisonment." United States v. Barber, 881 F.2d 345, 348 (7<sup>th</sup> Cir. 1989), cert. denied, 495 U.S. 922 (1990).

Any error that may have occurred did not sap the proceedings of any validity nor entitle him to relief during his imprisonment. The record clearly shows that petitioner was charged and convicted of intimidation of a victim with the threat of force or violence. Accordingly, petitioner's motion for reconsideration will be granted but this Court's August 31, 2007 decision and judgment will be affirmed.

ORDER

IT IS ORDERED that petitioner's reply brief is considered timely filed and his motion for reconsideration is GRANTED.

IT IS FURTHER ORDERED that the Court's August 31, 2007 decision and judgment dismissing petitioner's petition for a writ of coram nobis is AFFIRMED.

Entered this 25th day of September, 2007.

BY THE COURT:

/s/

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JOHN C. SHABAZ  
District Judge