

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

PHILLIP HUDSON,

Petitioner,

v.

GREGORY GRAMS, Warden,
Columbia Correctional Institution,

Respondent.

ORDER

08-cv-282-bbc

Before the court are two motions filed by petitioner Phillip Hudson in this habeas corpus action brought pursuant to 28 U.S.C. § 2254. Petitioner asserts that the petition was improperly served, *dk.* 11, and asks the court to reconsider its order to show cause, arguing that his claims were not summarized accurately in the order, *dk.* 10.

On June 9, 2008, this court notified the “Attorney General to seek service on Warden Grams” pursuant to an informal service agreement with the court and ordered the state to file a response to the petition showing cause, if any, why a writ should not issue. *Dkt.* 6. Petitioner contends that service was insufficient because Assistant Attorney General Gregory Weber, and not Attorney General J.B. Van Hollen, sought service on Mardell Petras, Litigation Coordinator at Columbia Correctional Institution instead of Warden Grams. *See* *dk.* 8. He also states that the Department of Justice incorrectly listed the address of Columbia Correctional Institution in Columbia, Wisconsin versus Portage, Wisconsin. Petitioner is correct that certain information in the acceptance of service differs from that in the petition and order to show cause. However, respondent has accepted service of the petition. It is unclear what petitioner is seeking.

However, I note that the above facts do not affect the court's jurisdiction over the case or result in an automatic win for petitioner.

Petitioner also filed a document entitled "Notice of Motion Requesting the Court's Reconsideration to Order of June 9, 2008 to Clarify the Issues of My Case." He asserts that the court either failed to mention or misstated the arguments set forth in his petition. At this point in the case, the court has not ruled on petitioner's claims. The court has ordered only that the state to respond to the petition. Therefore, reconsideration is unnecessary. However, because petitioner wishes to clarify the issues raised in his petition, I will consider his filing, dkt. 10, as an amendment to the petition. In preparing its response, the state should consider the amendment.

ORDER

IT IS ORDERED that:

1. Petitioner's motion to correct the record is DENIED as unnecessary; and
2. Petitioner's motion for reconsideration is DENIED but will be construed as an amendment to the petition.

Entered this 19th day of June, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge