

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JON S. HOLT,

Defendant.

ORDER

09-cv-708-bbc
05-cr-49-bbc

Defendant Jon S. Holt has moved for reconsideration of the court's December 8, 2009 order denying his motion for post conviction relief under 28 U.S.C. § 2255, or, in the alternative, for his § 2255 motion to be reopened so that he may supplement his § 2255 petition with "new authority."

The motion is denied as untimely. Rule 59(e) motions must be filed no later than 28 days after entry of the judgment. Judgment was entered in this case on December 10, 2009. Defendant filed his motion on August 2, 2010. Defendant says that his delay in filing a motion for reconsideration is attributable to his placement in disciplinary segregation and transfer to another institution, but even if his motion were timely, it would fail on the

merits. Nothing in defendant's submission convinces me that the court erred in its decision to deny his § 2255 motion as untimely. There is no need to reopen his § 2255 to examine new authority.

ORDER

Defendant Jon S. Holt's motion for reconsideration of the court's December 8, 2009 order or, in the alternative, to reopen his § 2255 motion is DENIED.

Entered this 26th day of August, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge