

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

JAMES LAMMERS,

Petitioner,

v.

WARDEN McCAUGHTRY, Warden,
Waupun Correctional Institution,

Respondent.

ORDER

10-cv-345-bbc

James Lammers, an adult resident of Plymouth, Wisconsin, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has paid the five dollar filing fee. The petition is before the court for preliminary review pursuant to Rule 4 of the Rules Governing Section 2254 Cases.

Although petitioner did not use this court's pre-printed § 2254 form, it appears that he is challenging his 1996 Racine County conviction for battery of a corrections officer by a prisoner. I cannot tell from his petition whether petitioner is in custody pursuant to this conviction, whether he has exhausted his state court remedies on the grounds he is raising in this petition, whether his petition is timely or whether he has filed a previous petition for

a writ of habeas corpus in federal court concerning this 1996 conviction.

Therefore, I will require petitioner to resubmit his claims on the pre-printed § 2254 forms included with this order. In filling out this form, petitioner should state the grounds on which he is challenging his 1996 conviction and explain what he has done to exhaust his state court remedies on each ground. He should also indicate why he believes this petition for a writ of habeas corpus is timely. Finally, if he has submitted a previous petition for a writ of habeas corpus concerning this conviction in federal court, he should submit a copy of the court's order on such petition.

Petitioner should submit his completed form to the court no later than July 19, 2010. When I have received it, I will determine whether petitioner may proceed under § 2254.

ORDER

IT IS ORDERED that petitioner James Lammers should re-submit his petition using the form for a 28 U.S.C. § 2254 petition as described above no later than July 19, 2010.

Entered this 30th day of June, 2010.

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