

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEREK FARMER,

Defendant.

ORDER

09-cr-113-bbc
10-cv-759-bbc

On December 2, 2010, defendant Derek Farmer filed a motion under 28 U.S.C. §2255, alleging that he was denied the effective assistance of counsel at his criminal trial and afterward, when counsel refused to take an appeal on defendant's behalf. In an order dated June 7, 2011, I denied defendant's claim that his counsel was ineffective at his criminal trial but reserved a ruling on his claim that his counsel refused to file an appeal. I gave defendant until July 5, 2011, in which to submit an affidavit to support his assertion that his counsel failed to file an appeal on his behalf. As of the date of this order defendant has failed to file such an affidavit. Therefore, his claim that his trial counsel was ineffective because he did not take an appeal of defendant's conviction and sentence after being asked to do so is DENIED.

ORDER

Defendant's claim that his trial counsel was ineffective because he did not take an appeal of defendant's conviction and sentence after being asked to do so is DENIED and his motion under 28 U.S.C. § 2255 is DISMISSED in its entirety.

Entered this 14th day of July, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge