

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

MARCELO SANDOVAL,

Petitioner,

v.

CAROL HOLINKA,

Respondent.

ORDER

11-cv-255-bbc

Petitioner Marcelo Sandoval, a prisoner at the Oxford Correctional Institution is proceeding pro se in this 28 U.S.C. § 2241 action. In an order entered June 17, 2011 petitioner was given until June 24, 2011 to inform the court and the respondent which case was the subject of his petition. Petitioner filed a response on June 27, 2011, advising the court that he was challenging the conviction from the Central District of Illinois case number 99-CR-400-JBM-1. Now petitioner has filed a “Nunc Pro Tunc Motion for Extension of Time and or Clarification” in which he notifies the court that the correct case number is actually 99CR40019-JBM-1 and asks that the court grant this extension nunc pro tunc as petitioner was without access to his property and legal materials. I will grant petitioner’s motion as it relates to the clarification of the criminal conviction at issue in the petition.

Because it is unclear whether petitioner is seeking a further extension of time to file his traverse, I will deny that request as unnecessary. In his motion, petitioner asks that he be granted an “extension until such time as movant can access his legal materials.” At this time there is nothing petitioner needs to respond to. In a text only order entered on July 5, 2011, I gave respondent until August 2, 2011 to file a response to the petition. Petitioner has until August 22, 2011 to file his traverse. If, after petitioner receives the response, he finds himself without access to his legal materials or the law library, he may renew his request for additional time to

file his traverse. Therefore, petitioner's request for an extension of time is denied without prejudice.

ORDER

IT IS ORDERED that petitioner Marcelo Sandoval's motion for extension of time and or clarification is GRANTED in part and DENIED in part as discussed in the order above.

Entered this 22th day of July, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge