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

GEORGE H. SERGENT,

                           Petitioner,   ORDER

        v.

                                                                    12-cv-810-wmc

WARDEN LIZZIE TEGELS,

                           Respondent.

State inmate George H. Sergent has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, seeking relief from his conviction in Green County Case No. 06CF15. On May 9, 2013, the court issued a show cause order directing the state to respond. That order includes a schedule for "briefing on the merits," which directs Sergent to file a brief in support of his petition within 30 days of the respondent's answer. Dkt. 6, ¶ 5(a). Sergent, who submitted a supporting brief along with his habeas petition, now seeks "clarification" of this briefing schedule. Dkt. 10.

The record confirms that Sergent filed a brief in support on the same day that he submitted his habeas corpus petition, which also included several exhibits. Dkts. 1-2. It is understandable, therefore, that Sergent does not see the need to file another brief. That's fine, he doesn't have to file anything else if he doesn't want to. But as Sergent is aware, the state hasn't filed its answer on behalf of the respondent yet. It might be that the state will raise arguments or affirmative defenses in its answer that Sergent will want to respond to by supplementing the brief he already has filed. That's why the court gave him 30 days. If Sergent does *not* see any need to provide a supplemental response to the state's answer, then all he has to do is file a written notice with the court within 30 days of that answer, reporting that he will rest on his first brief. Under the scheduling order already in place, if Sergent files anything new, then the state will have 30 days to file a brief in opposition. Dkt. 6, ¶ 5(b).

ORDER

IT IS ORDERED THAT the briefing schedule found in the show-cause order entered on

May 9, 2013, dkt. 6, will remain in effect as clarified above.

Entered this 20th day of June, 2013.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge