

Winston Obtains Reversal in Seventh Circuit on Behalf of Pro Bono Client

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In a case with significant implications for all state habeas petitions, Winston & Strawn recently obtained a reversal in the Seventh Circuit on behalf of pro bono client Thomas Socha. After extensive briefing and oral argument, a panel of the Seventh Circuit unanimously reversed the district court's denial of Socha's petition for a writ of habeas corpus.

After securing a 90-day extension of time from the Eastern District of Wisconsin, Socha, who was convicted in Wisconsin's Forest County Circuit Court of first-degree murder, filed a *pro se* petition for a writ of habeas corpus. Despite an earlier extension of time, the district court denied Socha's petition, holding that it had been erroneous to grant him the extension and that his petition was therefore untimely. On appeal, Winston argued that the deadline for Socha's habeas petition was subject to equitable tolling in light of the district court's extension.

In a case of first impression for the Seventh Circuit, the panel unanimously agreed with Winston's arguments, holding for the first time that state habeas petitions are subject to equitable tolling, reversing the district court's denial of Socha's habeas petition. The panel remanded Socha's petition with instructions to consider the merits of his equitable tolling arguments.

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