

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
URBANA DIVISION**

ALFRED J. GANT,)	
)	
Petitioner,)	
v.)	Case No. 07-CV-2095
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

OPINION

On May 10, 2007, Petitioner, Alfred J. Gant, filed a Motion under § 2255 to Vacate, Set Aside or Correct Sentence (#1). On June 11, 2007, the Government filed its Response to Petitioner’s Second Motion under 28 U.S.C. § 2255 (#3). On June 14, 2007, this court entered an Opinion (#4) which dismissed Petitioner’s Motion under § 2255 for lack of jurisdiction. Petitioner filed a Notice of Appeal (#7).

On November 17, 2008, the Government filed an Unopposed Motion to Remand Case with the Seventh Circuit Court of Appeals. The Government stated that the case should be remanded because Petitioner, in his Motion, complained of new errors that ensued as a result of his previous, successful collateral attack. The Seventh Circuit entered an Order on December 5, 2008 and granted the Government’s Unopposed Motion to Remand Case. The Seventh Circuit agreed that, pursuant to Shepeck v. United States, 150 F.3d 800, 800-01 (7th Cir. 1998), Petitioner could properly proceed with his Motion under § 2255 because it raised new errors that ensued as a result of his previous, successful collateral attack. The Seventh Circuit therefore vacated this court’s judgment and remanded the case for further proceedings.

Because this case has been remanded to this court for ruling on Petitioner’s Motion under § 2255 to Vacate, Set Aside or Correct Sentence (#1), this case is reopened and the court hereby

orders the Government to file a Response to Petitioner's Motion by February 9, 2009.

IT IS THEREFORE ORDERED THAT:

(1) This case is reopened pursuant to the Order entered by the Seventh Circuit vacating this court's judgment and remanding the case.

(2) The Government is hereby ordered to file a Response to Petitioner's Motion (#1) by February 9, 2009.

ENTERED this 9th day of January, 2009.

s/MICHAEL P. McCUSKEY
CHIEF U.S. DISTRICT JUDGE