

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION**

NOLAN RAMON NELSON,)	
)	
Petitioner,)	
)	
v.)	No. 08-3235
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

OPINION

JEANNE E. SCOTT, U.S. District Judge:

This cause is before the Court on Petitioner's Petition under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence (d/e 1). The Court now makes the initial consideration of Petitioner's Petition under Rule 4 of the Rules Governing § 2255 Cases.

After a review of the Petition, this Court finds that a summary dismissal is not warranted. Therefore, pursuant to Rule 4, the Court directs the United States to respond to Petitioner's Petition. The response shall discuss the merits and the procedural posture of the Petition. See Rule 5 of the Rules Governing § 2255 Cases.

Petitioner also asks for appointment of counsel. The request is

premature. The Court will appoint counsel if an evidentiary hearing is warranted. See Rule 8 of the Rules Governing § 2255 Cases.

THEREFORE, the United States Attorney is ordered to file an answer pursuant to Rule 5 of the Rules Governing 28 U.S.C. § 2255 Cases to Petitioner's Petition or before January 1, 2009. Any reply by the Petitioner is due by February 1, 2009. Petitioner's Motion for Leave to Proceed In Forma Pauperis (d/e 3) is DENIED as moot. There is no fee to file a § 2255 Petition.

IT IS THEREFORE SO ORDERED.

ENTER: October 24, 2008

FOR THE COURT:

s/ Jeanne E. Scott
JEANNE E. SCOTT
UNITED STATES DISTRICT JUDGE