

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

KEVIN M. JOHNSON,)	
)	
Petitioner,)	
)	
v.)	No. 08-3266
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

OPINION

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

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

After a review of the Motion, 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 Motion. The response shall discuss the merits and the procedural posture of the Motion. See Rule 5 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 Motion on or before February 20, 2009. Petitioner is granted
21 days from the time the answer is filed to file a reply.

IT IS THEREFORE SO ORDERED.

ENTER:

FOR THE COURT.

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