

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

GERARDO DOMINGUEZ-CHACON,)	
)	
Petitioner,)	
)	
v.)	No. 09-3172
)	
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) (Petition). 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 warranted. A one-year period of limitation applies to the filing of a habeas corpus petition. 28 U.S.C. § 2244(d). The Court sentenced Petitioner on November 19, 2007, and issued Petitioner's Judgment in a Criminal Case No. 07-30058 (d/e 88) on November 26, 2007. Petitioner never appealed or filed a petition for writ of certiorari. He avers that he

placed his habeas Petition in the prison mailing system on June 25, 2009. Under the applicable statute of limitations, his Petition clearly is untimely.

THEREFORE, 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) is DENIED. All pending motions are denied as moot. This case is closed.

IT IS THEREFORE SO ORDERED.

ENTER: August 17, 2009

FOR THE COURT:

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