

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

LARRY W. NORWOOD,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 10-3103
	)	
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) and his Motion for Evidentiary Hearing on 28 U.S.C. § 2255 Motion (d/e 3). 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.

The Petitioner's Motion for Evidentiary Hearing on 28 U.S.C. § 2255 Motion is denied as premature. The United States must first respond, Petitioner may then reply, and thereafter the Court must determine whether a hearing is appropriate. See Rules 5 and 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 on or before June 30, 2010. Any reply by the Petitioner is due by August 2, 2010. The Motion for Evidentiary Hearing on 28 U.S.C. § 2255 Motion (d/e 3) is denied as premature.

IT IS THEREFORE SO ORDERED.

ENTER: May 5, 2010

FOR THE COURT:

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