

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 08 C 3817
	)	(01 CR 1115)
ALFREDO LONGORIA,	)	
	)	
Defendant.	)	

MEMORANDUM ORDER

Alfredo Longoria ("Longoria") continues in his efforts to obtain relief from his years-old conviction and sentence--this time by filing a self-prepared document captioned "Defendant's Rule 60(b)(6) Motion To Enforce the Pro Se Rule of Leniency in Handling His §2255 Pleadings." Regrettably that filing continues to reflect a lack of understanding of Longoria's rights (or more accurately his lack of rights) and of this Court's duties in that respect.

This Court has always given particular consideration to the submissions tendered by pro se litigants, honoring the principles taught by Haines v. Kerner, 404 U.S. 519, 520-21 (1972) (per curiam). But that level of consideration does not mean that a pro se litigant who is clearly not entitled to any relief should get it anyway.

Here Longoria has not been unsuccessful because of any lack of literacy on his part (as he would have it), but rather simply because his submissions lack substantive merit. As this Court's

brief September 10, 2008 memorandum order reflected, this Court's observation and consideration of the testimony at his sentencing led it to credit the testimony of Miguel Perez ("Perez"), a determination that has carried with it the rejection of Longoria's contention that the government solicited perjured testimony from Perez. And as further stated in the September 10 order, Longoria's argument that his counsel failed him in the constitutional sense defined by Strickland v. Washington, 466 U.S. 668, 688, 694 (1984) is also meritless. No other argument that can be teased out of Longoria's filings, even when read in the most pro-Longoria terms that could reasonably be applied, satisfies the requirements of 28 U.S.C. §2255.

In Longoria's eyes, any ruling adverse to him somehow reflects judicial antipathy and bias. That mindset is just wrong--it is at odds with both the facts and the law. In sum, Longoria's most recent motion is denied.



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Milton I. Shadur  
Senior United States District Judge

Date: September 24, 2008