

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA)
)
 v.) Case No. 16-CV-6373
) Hon. Samuel
SAL PENA) Der-Yeghiayan

PENA'S MOTION FOR JUDGMENT

On January 6, 2017, the government filed its answer to Pena's motion for relief under 28 U.S.C. § 2255. The government has agreed that Pena should not have been sentenced as an armed career criminal and has requested that he be promptly resentenced.

Pena has now served more than the 10-year maximum sentence that could have been imposed on him. He requests that he be sentenced to 10 years in prison and no more than three years of supervised release. He is willing to be sentenced without being returned to Court, so that he can be released as soon as possible. Counsel attaches Pena's signed consent to resentencing in his absence.

Wherefore, it is respectfully requested that this Honorable Court grant relief in this case and promptly resentence Pena in his criminal case.

Dated this January 9, 2017, at Chicago, Illinois.

Respectfully submitted,

FEDERAL DEFENDER PROGRAM
Carol A. Brook,
Executive Director

By: /s/ William H. Theis
William H. Theis
W. Todd Watson
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CERTIFICATE OF SERVICE

The undersigned, William H. Theis, an attorney with the Federal Defender Program, hereby certifies that in accordance with FED.R.CRIM. P. 49, FED. R. CIV. P5, LR5.5, and the General Order on Electronic Case Filing (ECF), the following document(s):

PENA'S MOTION FOR JUDGMENT

was served pursuant to the district court's ECF system as to ECF filings, if any, and were sent by first-class mail/hand delivery on January 9, 2017, to counsel/parties that are non-ECF filers.

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