

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

| | | |
|----------------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 16 C 9289 |
| |) | Criminal Case No. 04 CR 609 |
| VITO BARBOSA, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM ORDER

On October 12, 2016 this Court received from the Clerk's Office the Judge's Copy of a pro se filing by Vito Barbosa ("Barbosa") captioned "Emergency Motion To Expedite 28 U.S.C. §2255 Petition for Good Cause Shown" ("Emergency Motion"). That filing, dated October 6 by Barbosa, was obviously prepared and filed before Barbosa received this Court's October 4 memorandum order that reflected its prompt examination of Barbosa's Section 2255 motion and explained why it called for dismissal under Rule 4(b) of the Rules Governing Section 2255 Proceedings for the United States District Courts.

As a result, Barbosa's Emergency Motion is denied as moot. And as the October 4 memorandum order concluded by saying, this Court has denied a certificate of appealability but has apprised Barbosa of his right to seek a certificate from the Court of Appeals under Fed. R. App. 22.



Milton I. Shadur
Senior United States District Judge

Date: October 17, 2016