

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

|                                   |   |                                 |
|-----------------------------------|---|---------------------------------|
| <b>RICHARD WROLEN,</b>            | ) |                                 |
|                                   | ) |                                 |
| <b>Petitioner/Defendant,</b>      | ) |                                 |
|                                   | ) | <b>CIVIL NO. 09-cv-051-JPG</b>  |
| <b>vs.</b>                        | ) |                                 |
|                                   | ) | <b>CRIMINAL NO. 06-cr-40019</b> |
| <b>UNITED STATES of AMERICA ,</b> | ) |                                 |
|                                   | ) |                                 |
| <b>Respondent/Plaintiff.</b>      | ) |                                 |

**MEMORANDUM AND ORDER**

**GILBERT, District Judge:**

This matter is before the Court on Petitioner Richard Wrolen’s motion for relief pursuant to 28 U.S.C. § 2255. In an open plea, Wrolen pleaded guilty to once count involving the distribution of more than 500 grams of methamphetamine. He was sentenced to 252 months imprisonment, ten years supervised release, a fine of \$200, and a special assessment of \$100; his sentence was based in part upon a prior drug felony conviction that raised his mandatory minimum sentence to 20 years. On appeal, he argued only that his sentence was unconstitutional with regard to the enhancement, as that enhancement was based upon facts no alleged in the indictment or proven to a jury beyond a reasonable doubt. The Seventh Circuit rejected this argument as contrary to Supreme Court precedent, thus affirming his conviction and sentence. *United States v. Wrolen*, Appeal No 08-1542 (7<sup>th</sup> Cir., decided July 7, 2008). Wrolen then filed the instant motion under § 2255.

In his motion, Wrolen argues that his guilty plea was not knowing and voluntary, and that Counsel coerced him into the guilty plea. He also argues that Counsel was ineffective in failing to investigate the case, failing to advise him of all his options, and failing to challenge his enhanced

sentence.

The Court **ORDERS** the Government to file a response to Wrolen's motion within **THIRTY (30) DAYS** of the date of this Order. The Government shall, as part of its response, attach all relevant portions of the record.

**IT IS SO ORDERED.**

**Dated: November 23, 2009.**

**s/ J. Phil Gilbert**  
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**U. S. District Judge**