

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

<p><b>BYRON BLAKE,</b></p> <p style="padding-left: 100px;"><b>Petitioner/Defendant,</b></p> <p><b>vs.</b></p> <p><b>UNITED STATES of AMERICA ,</b></p> <p style="padding-left: 100px;"><b>Respondent/Plaintiff.</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>CIVIL NO. 09-555-GPM</b></p> <p><b>CRIMINAL NO. 06-30146-01-GPM</b></p>
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**MEMORANDUM AND ORDER**

**MURPHY, District Judge:**

This matter is before the Court on Petitioner Byron Blake’s motion for relief pursuant to 28 U.S.C. § 2255.

Blake was convicted on three counts involving the distribution of crack cocaine, and he was sentenced to 420 months imprisonment, 10 years supervised release, a fine of \$3000, and a special assessment of \$300. In his direct appeal, Blake raised “a litany of arguments,” but the Seventh Circuit found that only two warranted “serious consideration” – whether the Court erred in its finding regarding drug quantity and whether testimony should have been excluded regarding Blake’s attempt to intimidate a witness. Following an extended discussion, these arguments were rejected, as were the lesser issues presented; Blake’s conviction and sentence were affirmed. *United States v. Blake*, 286 Fed. Appx. 337, Appeal No. 07-2704 (7<sup>th</sup> Cir., decided Aug. 8, 2008). Blake then filed the instant motion under § 2255.

In his motion Blake raises four grounds for relief: (1) the court failed to question defense counsel’s conflict of interest, (2) trial counsel was ineffective in failing to seek an interlocutory

appeal, (3) trial counsel was ineffective in failing to move for dismissal under the Speedy Trial Act,<sup>1</sup> and (4) appellate counsel was ineffective in failing to raise certain issues on appeal.

The Court **ORDERS** the Government to file a response to Blake'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.

Blake's motion for status (Doc. 3) and motion to expedite (Doc. 4) are **DENIED as moot**.

**IT IS SO ORDERED.**

DATED: 01/21/2010

s/ *G. Patrick Murphy*  
G. PATRICK MURPHY  
United States District Judge

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<sup>1</sup>Blake expands this argument in his amended motion (Doc. 2), which the Court construes as a supplemental memorandum in support of his § 2255 motion.