

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

DAMMARO D. PERKINS,)	
)	
Petitioner/Defendant,)	CIVIL NO. 10-cv-104-DRH
)	
vs.)	CRIMINAL NO. 05-cr-30137
)	
UNITED STATES of AMERICA ,)	
)	
Respondent/Plaintiff.)	

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

This matter is before the Court on Petitioner's motion for relief pursuant to 28 U.S.C. § 2255. Also before the Court is Petitioner's motion to proceed *in forma pauperis* (Doc. 2).

Because there is no filing fee for bringing a § 2255 motion and because there is no other matter currently pending before the Court where Petitioner's *pauper* status is a relevant issue, the Court will deny Petitioner's motion to proceed *in forma pauperis* (Doc. 2) with prejudice as moot.

Petitioner was found guilty, after a jury trial, of: possessing with intent to distribute cocaine base in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B); possessing with intent to distribute marijuana in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(D); being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1); and possessing a firearm during and in relation to a drug trafficking crime in violation of 18 U.S.C. § 924(c)(1)(A). On October 1, 2007, Petitioner was sentenced to 210 months imprisonment, 8 years supervised release, an \$800 fine, and a \$400 special assessment . Petitioner filed a direct appeal concerning his

convictions, but they were affirmed by the Seventh Circuit Court of Appeals. *United States v. Perkins*, No. 07-3383 (7th Cir., affirming district court November 13, 2008). It appears that Petitioner did not seek a petition for a writ of certiorari from the Supreme Court of the United States.¹

In his § 2255 motion, Petitioner asserts seven grounds of ineffective assistance of counsel. Petitioner further claims that the Government failed to carry its burden of showing his guilt beyond reasonable doubt.

The Court **ORDERS** the Government to file a response to Petitioner'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: June 24, 2010.

/s/ David R. Herndon
DISTRICT JUDGE

¹Petitioner claims that he instructed his attorney "to file an appeal to the U.S. Supreme Court from the Seventh Circuit decision. Counsel failed to do as requested."