

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

<b>ERIC C. BURNETT,</b>	)	
	)	
<b>Petitioner/Defendant,</b>	)	
	)	<b>CIVIL NO. 10-cv-164-JPG</b>
<b>vs.</b>	)	
	)	<b>CRIMINAL NO. 01-cr-40017</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’s motion for relief pursuant to 28 U.S.C. § 2255

Petitioner pleaded guilty<sup>1</sup> to: (1) one count of conspiring to possess with intent to distribute cocaine base in violation of 21 U.S.C. § 846; and (2) three counts of possessing with intent to distribute cocaine base in violation of 21 U.S.C. § 841(a)(1). On January 11, 2002, Petitioner was sentenced to 121 months imprisonment and 5 years of supervised release. Petitioner did not seek review of his convictions or sentences on direct appeal.

On January 13, 2003, this Court granted the Government’s Motion to Reduce Sentence Pursuant to Rule 35 of the Federal Rules of Criminal Procedure. Accordingly, Petitioner’s sentence was reduced from 121 months to 80 months.

On March 17, 2009, this Court entered a judgment revoking Petitioner’s supervised

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<sup>1</sup>In the motion, Petitioner asserts that he pleaded “not guilty.” However, the Court’s own records clearly indicate that Petitioner pleaded guilty.

release. Accordingly, this Court ordered that Petitioner be imprisoned for 50 months. The instant motion appears to attack the March 17, 2009, revocation proceeding. Specifically, Petitioner contends that he was denied effective assistance of counsel in connection with this proceeding.

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: July 8, 2010.**

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