

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

<b>WALTER C. SMITH III,</b>	)	
	)	
<b>Petitioner/Defendant,</b>	)	
	)	<b>CIVIL NO. 10-cv-536-DRH</b>
<b>vs.</b>	)	
	)	<b>CRIMINAL NO. 06-cr-30070</b>
<b>UNITED STATES of AMERICA ,</b>	)	
	)	
<b>Respondent/Plaintiff.</b>	)	

**MEMORANDUM AND ORDER**

**HERNDON, Chief Judge:**

This matter is before the Court on Petitioner’s motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255. On October 22, 2007, Petitioner was found guilty, after a jury trial, of eight cocaine-related offenses. On February 14, 2008, Petitioner was sentenced to life imprisonment. Petitioner’s conviction and sentence were affirmed on direct appeal. *See United States v. Smith*, 576 F.3d 762 (7<sup>th</sup> Cir. 2009). Petitioner’s application for a writ of certiorari to the Supreme Court of the United States was denied. *See Smith v. United States*, 130 S.Ct. 1029 (2009).

In his § 2255 motion, Petitioner asserts that his rights under the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments were violated .

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 23, 2010.

/s/ David R Herndon  
**DISTRICT JUDGE**