

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNEDY M. RUSSELL, SR.,

Defendant.

No. 12-1016-DRH

ORDER

HERNDON, Chief Judge:

This matter comes before the Court for case management. On October 15, 2012, Russell filed a filed entitled motion under Fed. R. Crim. P 60(b)(2) & (6) Amended Edition (Doc. 4). The caption contains the above case number and Russell's closed criminal case number, 10-30106-DRH. After reviewing the pleading, the Court believes that Russell intended to file the motion in his criminal case and not his civil 28 U.S.C. § 2255 petition. Thus, the Court **STRIKES** the motion from this civil case and **DIRECTS** the Clerk of the Court to file the motion in his criminal case.

IT IS SO ORDERED.

Signed this 17th day of October, 2012.

Digitally signed by
David R. Herndon
Date: 2012.10.17
10:24:40 -05'00'



**Chief Judge
United States District Court**