

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RONDALE LEE CHAPMAN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil No. 13-cv-384-JPG

Criminal No 11-cr-40031-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on petitioner Rondale Lee Chapman's motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255 and its supporting memorandum (Docs. 1 & 2). Pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings for the United States District Courts, the Court determined that it was plain from the motion and the record of the prior proceedings that the petitioner was not entitled to relief on one ground – Ground IIa. The Government has responded to the remaining grounds raised by Chapman (Doc. 9), and Chapman has replied to that response (Doc. 10).

The Court believes an evidentiary hearing would expedite the resolution of Chapman's pending § 2255 motion and accordingly **ORDERS** a hearing to be held on the remaining claims for relief in this case on September 13, 2013, at 10:00 a.m. at Benton, Illinois. Chapman shall be allowed to participate by videoconference. The Court further finds that the interests of justice require that Chapman be represented by counsel at the hearing but that he is unable to afford counsel. Accordingly, the Court hereby **ORDERS** that, pursuant to Rule 8(c) of the Rules Governing Section 2255 Proceedings and 18 U.S.C. § 3006A, attorney Gary Milone is **APPOINTED** to represent Chapman for the purposes of this hearing only. Should it become apparent after the hearing that further briefing on Chapman's § 2255 motion is necessary, the

Court will enter an appropriate order at that time. The Court further **DIRECTS** the Clerk of Court to add Milone as an attorney of record for Chapman in the underlying criminal case and allow Milone access to sealed documents in that case.

IT IS SO ORDERED.

DATED: August 2, 2013

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE