

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

CHRISTOPHER H. McCOY,

Petitioner,

v.

**Civil Case No. 13-cv-1318-DRH
Criminal Case No. 11-cr-30076-DRH**

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM & ORDER

HERNDON, Chief Judge:

This matter is before the Court on petitioner Christopher H. McCoy's motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255 (Doc. 1). McCoy pleaded guilty to using the Internet to entice a minor to engage in illicit sexual activity, 18 U.S.C. § 2422(b); transferring obscene matter to a minor, *id.* § 1470; and receiving, *id.* § 2252(a)(2), possessing, *id.* § 2252(a)(4)(B), and distributing child pornography, *id.* § 2252(a)(2). On January 27, 2012, this Court sentenced McCoy to a total of 327 months' imprisonment and entered judgment reflecting the same (Cr. Doc. 33). McCoy appealed this Court's imposed sentence and the Seventh Circuit affirmed. *See United States v. McCoy*, 493 Fed.

App'x. 767 (7th Cir. 2012), *cert. denied*, 133 S. Ct. 992, 184 L.Ed.2d 770, 81 USLW 3409 (Jan. 22, 2013) (No. 12-7755).

McCoy's instant motion raises various claims of ineffective assistance of counsel and argues insufficiency of the evidence as to Count I. He asks that this Court vacate his sentence and conviction on Count 1, allow him to withdraw his guilty plea, and proceed to trial.

Pursuant to Rule 4 of the RULES GOVERNING SECTION 2255 PROCEEDINGS, the Court **ORDERS** the government to file a response to McCoy's motion on or before **January 21, 2014**. The government shall, as part of its response, attach all relevant portions of the record.

IT IS SO ORDERED.

Signed this 20th day of December, 2013.

Digitally signed by
David R. Herndon
Date: 2013.12.20
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Chief Judge
United States District Judge