

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

SCOTT WELDON,

Petitioner,

vs.

No. 14-0691-DRH

UNITED STATES OF AMERICA,

Respondent.

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 (Doc. 1). On May 5, 2011, Weldon plead guilty to one count of distribution of a controlled substance resulting in death in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C). *See United States v. Weldon*, 10-30066-DRH; Docs. 55, 56 & 59. Thereafter, on January 19, 2011, the Court sentenced Weldon to 96 months imprisonment. *Id.* at Docs. 96 & 98. During the proceedings, Weldon was represented by attorney Todd M. Schultz of the Federal Public Defender's Office. Weldon did not appeal his criminal judgment.

Weldon's § 2255 petition relies on the Supreme Court's recent holding in *Burrage v. United States*, --- U.S. ---, 134 S.Ct. 881 (2014).

Thus, the Court **ORDERS** the government to file a response to petitioner's motion on or before July 21, 2014. By ordering the government to respond, the Court is not commenting whether Weldon's claims are properly brought before the Court. The government shall, as part of its response, attach all relevant portions of the record.

IT IS SO ORDERED.

Signed this 24th day of June, 2014.

David R. Herndon



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David R. Herndon
Date: 2014.06.24
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**Chief Judge
United States District Court**