

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

**SCOTT WELDON,**

**Petitioner,**

**No. 14-0691-DRH**

**vs.**

**UNITED STATES OF AMERICA,**

**Respondent.**

**MEMORANDUM and ORDER**

**HERNDON, District Judge:**

On October 17, 2016, the Seventh Circuit vacated and remanded this matter for further proceedings (Doc. 40-1). Specifically, the Seventh Circuit Court of Appeals found:

Weldon is entitled to an evidentiary hearing to determine that probability. The judgment of the district court is therefore vacated and the case remanded for further proceedings consistent with this opinion. (The government has filed a motion to supplement the record on appeal, but we deny the motion; it is better for the district court to have the full record before it on remand).

(Doc. 40-2, pg. 4). Accordingly, the Court **SETS** this matter for hearing on Tuesday, November 29, 2016 at 9:00 a.m. Further pursuant to 18 U.S.C. § 3006A (a)(2)(B), the Court **APPOINTS** attorney Jerry Brown to represent Weldon in this matter. Lastly, the Court directs the parties to filed briefs

addressing the Seventh Circuit's Mandate on or before November 7, 2016.

**IT IS SO ORDERED.**

Signed this 18th day of October, 2016.

*David R. Herndon*



Digitally signed by Judge

David R. Herndon

Date: 2016.10.18

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**United States District Court**