

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

DONALD L. WEIDENBURNER,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

Case No. 15-cv-00762-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on petitioner Donald L. Weidenburner's Motions (Docs. 6, 11, 12, & 13) to Expand the Record. As required by Rule 7(c) of the Rules Governing Section 2255 Proceedings, the Government has filed a Response (Doc. 17) indicating whether it admits or denies the correctness of the Petitioner's additional materials.

Petitioner's first motion to expand (Doc. 6) fails to attach Exhibits A - D, but states that documents can be located in his criminal matter (02-cr-40053-JPG-SDIL). However, there are over 800 docket entries and the petitioner does not provide the docket number where the requested material can be located. Therefore, the Court is **DEFERRING** in part Petitioner's Motion (Doc. 6) to Expand the Record and **DIRECTS** the petitioner to either provide the docket numbers where the material can be located or the actual material to the Government and the Court on or before **January 16, 2017**. The Government will indicate whether it admit or denies the correctness of the additional material on or before **January 30, 2017**. Petitioner's Motion to Expand with regard to Exhibit E is **GRANTED**.

Petitioner's Motion (Doc. 11) to Expand is **GRANTED** with the understanding that Exhibits H and J are incomplete. Should the incomplete portions of these Exhibits become an

issue, the Petitioner will promptly provide the incomplete portions to the Government and the Court or the exhibits will be stricken from the record. Petitioner's Motion (Doc. 12) to Expand is a duplicate to Petitioner's Motion (Doc. 11) and is **STRICKEN**. Petitioner's final Motion (Doc. 13) to Expand is **GRANTED**.

Finally, the Government is **DIRECTED** to respond to Petitioner's § 2255 (Doc. 1) on or before **February 27, 2017**.

In summary:

1. The Court is **DEFERRING** in part Petitioner's Motion (Doc. 6) to Expand the Record and **DIRECTS** the petitioner to either provide the docket numbers where the Exhibits A-D can be located or the actual material to the Government and the Court on or before **January 16, 2017**. The Government will indicate whether it admit or denies the correctness of the additional material on or before **January 30, 2017**. Petitioner's Motion to Expand with regard to Exhibit E is **GRANTED**.
2. Petitioner's Motion (Doc. 11) to Expand is **GRANTED** with the understanding that Exhibits H and J are incomplete.
3. Petitioner's Motion (Doc. 12) to Expand is a duplicate to Petitioner's Motion (Doc. 11) and is **STRICKEN**.
4. Petitioner's final Motion (Doc. 13) to Expand is **GRANTED**.
5. The Government is **DIRECTED** to respond to Petitioner's § 2255 (Doc. 1) on or before **February 27, 2017**.

IT IS SO ORDERED.

DATED: 12/20/2016

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