

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

**JOSE IVAN MEJIA-CHAVEZ,**

**Petitioner,**

**vs.**

**Case No. 16-CV-168-DRH**

**UNITED STATES OF AMERICA,**

**Respondent.**

**MEMORANDUM AND ORDER**

**HERNDON, District Judge:**

On July 6, 2017, the Seventh Circuit issued a mandate that vacated this Court's decision denying petitioner's § 2255 petition, and remanded the case for further proceedings (Doc. 29). Following receipt of the Seventh Circuit's mandate, this Court directed Mejia-Chavez to amend his § 2255 petition by attaching an affidavit to support his allegations surrounding his request for his attorney to appeal the final judgment in his criminal case (Doc. 34). Mejia-Chavez's affidavit was filed today, October 16, 2017 (Doc. 36).

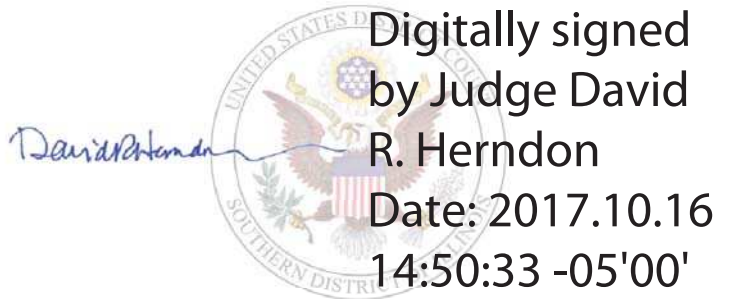
In light of the recently filed affidavit, the Court believes an evidentiary hearing would expedite the resolution of Mejia-Chavez's pending § 2255 motion, given that Mejia-Chavez and his CJA appointed counsel, Robert Elovitz, filed competing declarations regarding his request for an appeal. Accordingly, the Court finds that the interests of justice require that Mejia-Chavez be represented by counsel at the hearing. The Court further finds that Mejia-Chavez is unable to

afford counsel and 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 Bobby Edward Bailey, 4387 Laclede Avenue, Suite A, St. Louis, MO 63108, of the CJA Panel, is **APPOINTED** to represent Petitioner Mejia-Chavez for the purposes of this hearing only.

Should it become apparent after the hearing that further briefing on Mejia-Chavez's § 2255 motion is necessary, the Court will enter an appropriate order at that time. Furthermore, the Court **SETS** this matter for hearing on Wednesday, December 13, 2017 at 10:00 a.m.

**IT IS SO ORDERED.**

Digitally signed  
by Judge David  
R. Herndon  
Date: 2017.10.16  
14:50:33 -05'00'

The image shows a digital signature in blue ink that reads "David R. Herndon". To the right of the signature is the official seal of the United States District Court for the Southern District of Missouri. The seal features an eagle with wings spread, perched on a shield with the American flag's stars and stripes. The text "UNITED STATES DISTRICT COURT" is arched over the eagle, and "SOUTHERN DISTRICT OF MISSOURI" is arched below it.

**United States District Judge**