

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

RUSSELL D. BASS,

Petitioner,

vs.

Civil No. 17-cv-255-DRH-CJP

B. TRUE,

Respondent.

MEMORANDUM and ORDER

HERNDON, District Judge:

Now before the Court is petitioner Russell D. Bass' petition for writ of habeas corpus under 28 U.S.C. §2241 (Doc. 1).

In May 2002, petitioner was sentenced in the Northern District of Illinois to 300 months imprisonment after pleading guilty to being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). *United States v. Bass*, Case No. 01-cr-109 (N.D. Ill.). His sentence was enhanced pursuant to 18 U.S.C. §924(e) (the Armed Career Criminal Act, or ACCA). One of his predicate convictions was a 1985 Illinois burglary conviction. Relying on *Mathis v. United States*, — U.S. —, 136 S. Ct. 2243 (2016), petitioner now argues that he is entitled to be resentenced without the ACCA enhancement.

Respondent has filed a response conceding that Bass is entitled to habeas relief under *Mathis*. Further, respondent concedes that Bass is entitled to immediate release from prison because he has already served more than the maximum unenhanced sentence for violating 18 U.S.C. § 922(g)(1). See, Doc. 8.

In view of respondent's concession, the Court **GRANTS** the petition for writ of habeas corpus under 28 U.S.C. §2241 (Doc. 1) and **ORDERS** the following relief:

1. Petitioner's armed career criminal enhanced sentence imposed by the Northern District of Illinois in Case No. 01-cr-109 is **VACATED**.
2. Bass shall be resentenced forthwith by the Northern District of Illinois.
3. Bass shall be immediately released from the Bureau of Prisons.
4. The Clerk of Court shall enter judgment in favor of petitioner.
5. The Clerk is directed to furnish copies of this Order and the Judgment to the Bureau of Prisons, the United States Attorney for the Northern District of Illinois, and to the Clerk of the District Court for the Northern District of Illinois for filing in Case No. 01-cr-109.

IT IS SO ORDERED.

DATE: June 12, 2017

David Herndon



Judge Herndon

2017.06.12

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United States District Judge