

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ERIK SCOTT BROWN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil No. 17-cv-430-JPG

Criminal No 15-cr-40045-JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on petitioner Erik Scott Brown's motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255 (Doc. 1). Pursuant to the Court's order, the Government has responded to the motion (Doc. 9).

The Court believes an evidentiary hearing is necessary to the resolution of Brown's pending § 2255 motion, which presents issues of fact. Accordingly, the Court **ORDERS** an evidentiary hearing to be held on the motion on March 7, 2018, at 1:30 p.m. at Benton, Illinois. Brown shall be allowed to appear and participate by videoconference. The Court further finds that the interests of justice require that Brown be represented by counsel at the hearing but that he is unable to afford counsel. 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 John D. Stobbs is **APPOINTED** to represent Brown for the purposes of this hearing only. Should it become apparent after the hearing that further briefing on Brown's § 2255 motion is necessary, the Court will enter an appropriate order at that time. The Court further **DIRECTS** the Clerk of Court to add Stobbs as an attorney of record for Brown in the underlying criminal case and allow Stobbs access to sealed documents in that case.

**IT IS SO ORDERED.**

**DATED: January 3, 2018**

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