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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**FILED - GR**

July 25, 2011 10:53 AM

TRACEY CORDES, CLERK  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
BY: EC / Scanned by KT on 7/25

ROBERT LEE KING,  
Plaintiff,

v.

UNITED STATES OF AMERICA,  
Defendant,

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File No. 1:05-CR-247

HON. ROBERT HOLMES BELL

RESPONSE TO SHOW CAUSE ORDER

COMES NOW the Plaintiff, Robert Lee King, pro se and without the benefit of counsel and responds to this Court's Order dated July 12, 2011. The Court required the Plaintiff to show cause why his claims, recharacterized as a §2255 motion, should not be dismissed as time barred.

DISCUSSION

The rules governing the timing of a 28 U.S.C. §2255 motion are clear as to a one year time frame, but under 28 U.S.C. §2255 (f)(4), The time does not start to toll until the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence. Just prior to the filing of Plaintiff's §2255 motion did the Plaintiff discover the facts which were presented in his June 10, 2011 pleading.

In that pleading, the Plaintiff got off course in the discussion of this Court's jurisdiction. Those arguments are clearly not correct and should be set aside as not effective in this argument.

That leaves the Plaintiff with the clear fact that his representation left a lot to be desired in this matter. The Plaintiff can

read nor write and is filing this with the help of someone who is putting his thoughts down on paper for him. Without the ability to read or write the Plaintiff was left with taking the word of his attorney in all matters without the ability to read the documents presented himself and only going on what he was told the documents contained. Based on that fact, the Plaintiff's guilty plea was neither knowing or intelligent and can not be said to be voluntary without that ability.

The sentencing Court did not acknowledge the fact of the Plaintiff's inability to read or write in his sentencing as defined by 18 U.S.C. §3553(a). As stated previously, the initial two pages of the June 10, 2011 motion make these points clear and that is the argument which the Plaintiff now asks this Court to considered.

CONCLUSION

For the reason presented as well as the rules governing §2255 motions, this Court should grant the relief sought in the May 10, 2011 motion and Characterize it accordingly.

Dated: 7-21-11

Respectfully submitted,

Robert King

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