

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BILLIE J. ALLEN,)	
)	
Movant,)	
)	
vs.)	Case No. 4:07CV00027 ERW
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter comes before the Court on Movant Billie J. Allen's Letter to the Court [ECF No. 358].

On November 25, 2013, Movant filed a Letter to the Court requesting permission to file a pro se motion raising additional grounds for his pending Amended Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody Under a Sentence of Death [ECF No. 60]. The Court ordered any response to the Letter to be filed by December 9, 2013. On November 27, 2013, the Government responded, asking the Court to deny Movant's request on grounds that (1) it is Eighth Circuit policy to deny consideration of pro se motions when already represented by counsel, and (2) subject to certain exceptions, motions under 28 U.S.C. § 2255 become procedurally defaulted unless filed within one year after exhausting direct appeals.

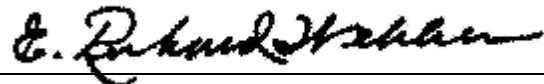
While the Court recognizes denying Movant's request would be within Eighth Circuit custom, the Government has not cited – and the Court is unaware – of any law prohibiting consideration of such a motion purely because it is filed pro se. Given the gravity of the instant case, the Court declines to rule on the basis of a discretionary technicality. Accordingly, Movant has twenty days from the filing of this Order to describe his proposed additional grounds for relief, and

demonstrate such grounds fall within one or more exceptions to the general one-year procedural default rule. To be clear, at this time, the Court will not entertain pro se evidence. Movant may submit only those filings necessary to apprise the Court of (1) the substance of his additional grounds for relief, and (2) whether such grounds have been procedurally defaulted.

Accordingly,

IT IS HEREBY ORDERED that Movant Billie J. Allen has twenty days from the filing of this Order to describe his proposed additional grounds for relief and demonstrate such grounds have not been procedurally defaulted.

Dated this 11th day of December, 2013.

A handwritten signature in black ink, appearing to read "E. Richard Webber", is written above a horizontal line.

E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE