

U.S. District Court
Western District of Wisconsin (Madison)
CIVIL DOCKET FOR CASE #: 3:13-cv-00287-bbc

Simmons v. USA
Assigned to: District Judge Barbara B. Crabb
Related Case: [3:09-cr-00122-bbc-1](#)
Cause: 28:2255 Motion to Vacate / Correct Illegal Sentenc

Date Filed: 04/26/2013
Date Terminated: 09/20/2013
Jury Demand: None
Nature of Suit: 510 Prisoner: Vacate Sentence
Jurisdiction: U.S. Government Defendant

Petitioner**Andre G. Simmons**

represented by **Andre G. Simmons**
06930-090
FCI YAZOO CITY MEDIUM
Federal Correctional Institution
P.O. Box 5888
Yazoo City, MS 39194
PRO SE

V.

Respondent**United States of America**

represented by **Peter Mark Jarosz**
United States Attorney's Office
660 West Washington Avenue, #303
Madison, WI 53703
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/26/2013	1	Motion to Vacate Sentence per 28 U.S.C. 2255. (Attachments: # 1 Envelope) (voc) (Entered: 04/26/2013)
05/10/2013	2	Set Briefing Deadlines re: 1 Motion to Vacate Sentence per 28 U.S.C. 2255 by Andre G. Simmons. Brief in Opposition due 5/31/2013. Brief in Reply due 6/10/2013. (arw) (Entered: 05/10/2013)
05/23/2013	2	Motion for Extension of Time <i>within which to file a response to defendant's 2255 petition</i> by Respondent United States of America. Response due 5/30/2013. (Jarosz, Peter) (Entered: 05/23/2013)
05/23/2013	3	** TEXT ONLY ORDER ** ORDER granting 2 Motion for Extension of Time by Respondent United States of America. Petitioner Andre Simmons' reply brief deadline will be July 17, 2013. Signed by District Judge Barbara B. Crabb on 5/23/2013. (arw) (Entered: 05/23/2013)
06/19/2013	4	Motion for Order Waiving the Attorney-Client Privilege by Respondent United States of America. (Attachments: # 1 Text of Proposed Order) (Jarosz, Peter) (Entered: 06/19/2013)
06/19/2013	5	Affidavit of Peter M. Jarosz filed by Respondent United States of America re: 4 Motion for Miscellaneous Relief (Jarosz, Peter) (Entered: 06/19/2013)
06/20/2013	6	Second Motion for Extension of Time <i>within which to file a response to defendant's 2255 petition</i> by Respondent United States of America. Response due 6/27/2013. (Jarosz, Peter) (Entered: 06/20/2013)
06/21/2013	7	ORDER finding that petitioner has waived attorney-client privilege as to all communications relating to his claim that his attorneys were ineffective in their representation of petitioner in case number 09-CR-122 and its appeal. Signed by District Judge Barbara B. Crabb on 6/20/2013. (arw) (Entered: 06/21/2013)
06/21/2013	8	** TEXT ONLY ORDER ** ORDER granting 6 Second Motion for Extension of Time by Respondent United States of America. Brief in Opposition re: 1 Motion to Vacate Sentence due 7/19/2013. Petitioner's Brief in Reply due 8/2/2013. Signed by District Judge

		Barbara B. Crabb on 6/21/2013. (arw) (Entered: 06/21/2013)
06/26/2013	9	Motion to Unseal Document <i>Unsealing ex parte proceedings</i> by Respondent United States of America. Response due 7/3/2013. (Jarosz, Peter) (Entered: 06/26/2013)
07/10/2013	10	** TEXT ONLY ORDER ** ORDER granting 9 Motion to Unseal Ex Parte Proceedings by Respondent United States of America. Signed by District Judge Barbara B. Crabb on 7/10/2013. (arw) (Entered: 07/10/2013)
07/19/2013	11	Brief in Opposition by Respondent United States of America re: 1 2255 Motion by Andre G. Simmons. (Attachments: # 1 Exh A - Letter Proposed Plea Agreement, # 2 Exh B - Email Conveying the Plea Agreement, # 3 Exh C - Email Requesting Extension of the Plea Agreement, # 4 Exh D - Letter to Simmons Regarding Plea Agreement, # 5 Exh E - Affidavit of Attorney Paul Schwartz, # 6 Exh F - Police Report of 8/27/2009 Shannon Simmons Interview, # 7 Exh F-1 - Transcript of Interview of Shannon Simmons, # 8 Exh G - Letter Explaining Shannon Simmons 4/18/10 State Plea Agreement, # 9 Exh H - Police Report of 9/14/10 Shannon Simmons Interview, # 10 Exh I - Government Use Immunity Agreement Shannon Simmons Interview, # 11 Exh J - Police Report of 12/1/10 Shannon Simmons Interview, # 12 Exh K - Handout of Library Procedure to Inmates at the Dane County Jail) (Jarosz, Peter) Modified on 7/22/2013. (arw) (Entered: 07/19/2013)
08/05/2013	12	Motion to Amend 1 2255 Motion based on U.S. v. Alleyne No. 11-9335 2013, filed by Petitioner Andre G. Simmons. (Attachments: # 1 Envelope) (arw) (Entered: 08/05/2013)
08/05/2013	13	Motion for Extension of Time to File Traverse Response by Petitioner Andre G. Simmons. (Attachments: # 1 Envelope) (arw) (Entered: 08/05/2013)
08/19/2013	14	** TEXT ONLY ORDER ** The Petitioner may have until September 9, 2013 in which to file a traverse response. Signed by District Judge Barbara B. Crabb on 8/19/2013. (arw) (Entered: 08/19/2013)
09/05/2013	15	Traverse Response to 1 Motion to Vacate Sentence per 28 U.S.C. 2255 by Petitioner Andre G. Simmons. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Envelope) (voc) (Entered: 09/12/2013)
09/20/2013	16	ORDER granting 12 Motion to Amend 2255 Motion; denying 1 Motion to Vacate Sentence per 28 U.S.C. 2255. Signed by District Judge Barbara B. Crabb on 9/20/2013. (arw) (Entered: 09/20/2013)
09/23/2013	17	JUDGMENT entered denying 2255 motion by Andre Simmons. (LAK) (arw) (Entered: 09/23/2013)
10/28/2013	18	NOTICE OF APPEAL by Petitioner Andre G. Simmons as to 16 Order on Motion to Amend/Correct, Order on Motion to Vacate Sentence per 28 USC 2255, 17 Judgment. No fee paid, In forma pauperis requested. No Docketing Statement filed. (Appeal emailed to district court by USCA, received by USCA on 10/17/13) (mmo) (Entered: 10/28/2013)
10/28/2013	19	Affidavit to Proceed In Forma Pauperis re 18 Notice of Appeal filed by Petitioner Andre Simmons. (Emailed to district court from USCA, received by USCA on 10/17/13) (mmo) (Entered: 10/28/2013)
10/29/2013	20	Appeal Information Packet. (arw) (Entered: 10/29/2013)