

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

LON CAMPBELL,)	
)	
Petitioner,)	
)	
vs.)	No. 1:16-cv-00508-TWP-MJD
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

Entry Discussing Petitioner’s Objection to Order Granting Respondent Time

This matter is before the Court on Petitioner Lon Campbell’s objection to the Court’s order granting the Respondent through June 10, 2016, to respond to this motion to vacate pursuant to 28 U.S.C. § 2255. Campbell filed this action on March 4, 2016 bringing claims of ineffective assistance of counsel. In his objection filed on April 22, 2016, Campbell states that he has eight months left on his sentence and the only reason he filed this action was to try to get home before June. By allowing the respondent additional time to respond to his motion to vacate, his hopes of getting home in June to try to find a job are defeated.

Judgment in the underlying criminal action was entered on January 26, 2015, after the petitioner pled guilty to using a false social security number with intent to deceive. No. 1:13-cr-0185-TWP-DML-18. He was sentenced to 21 months in prison, to be served consecutive to the 12 month sentence imposed in No. 1:07-cr-0095-01. His appeal was dismissed because it was barred by the waiver of appellate rights contained in his plea agreement. *United States v. Campbell*, No. 15-1188 (7th Cir. Feb. 19, 2016).

The Court notes that the plea waiver also applies to his right to file an action under 28 U.S.C. § 2255. No. 1:13-cr-0185-TWP-DML, dkt. 540, ¶ 7. Therefore, the likelihood of this action being successful is slim. Respondent's request for 60 days within which to prepare a response is reasonable and the Court must allow the Respondent a reasonable amount of time to respond to Petitioner's claims.

In sum, Petitioner has not presented any persuasive grounds to put this case on an expedited schedule. His objection to the order granting the Respondent additional time to respond to his motion to vacate [DKT. 8] is **overruled**.

Petitioner's request for "one more chance" can best be considered by the Court once he begins supervised release. Petitioner explains that he previously "did four years on supervised release without any violations." Good performance while on supervised release can be rewarded with modification of the terms, including early termination.

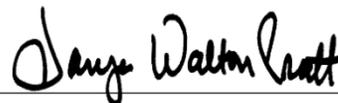
SO ORDERED.

Date: 4/28/2016

Distribution:

Electronically registered counsel

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TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana