

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>RICHARD BAILEY,</b>	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 97 C 7665
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
Respondent.	)	
	)	

**MEMORANDUM ORDER**

Richard Bailey ("Bailey") has filed a pro se<sup>1</sup> "Motion Under Rule 60(b) To Reopen Mr. Bailey's §2255 Proceedings" in which, after criticizing the decisions reached by this Court and then our Court of Appeals in rejecting his initial 28 U.S.C. § 2255 motion and then his later motions,<sup>2</sup> he asserts actual innocence -- not of the crime to which he pleaded guilty, but of the far more serious crime of Helen Brach's murder that this Court found proved by a preponderance of the evidence adduced in a week-long sentencing hearing. Bailey now seeks to call to his aid the Supreme Court decision in Beckles v. United States, 137 S. Ct. 886, 903 n.4 (2017).

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<sup>1</sup> As this Court wrote 20 years ago in Bailey v. United States, 1997 WL 695501, at \*1 (N.D. Ill. 1997):

This opinion characterizes Bailey's submission as pro se only in the sense that no counsel signed the motion. It is obvious that nonlawyer Bailey has received legal assistance in connection with the memorandum.

It should be emphasized that neither that observation nor its repetition now carries any hint of criticism. To the contrary, it reflects respect for the articulate presentation of his arguments then and now.

<sup>2</sup> See our Court of Appeals unpublished April 9, 2013 order in its Case No. 12-3400 (Dkt. No. 52 in this case).

Bailey's arguments plainly call for a response by the United States Attorney's Office. This Court orders that such response be filed on or before August 18, 2017.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style.

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Milton I. Shadur  
Senior United States District Judge

Date: June 30, 2017