

MHN

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

FILED

7-29-2008
JUL 29 2008

MB

UNITED STATES OF AMERICA ex rel.
JOSE VIDAURRI,

Petitioner,

v.

TERRY L. McCANN,
Warden, Stateville Correctional Center,

Respondent.

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT.

No. 08 C 3665

The Honorable
Rebecca R. Pallmeyer,
Judge Presiding.

ANSWER

Petitioner Jose Vidaurri respectfully acknowledges the receipt of the denial for Petitioner's motion for leave to file in forma pauperis as moot, because Petitioner paid the filing fee. Should the Court look at the in forma pauperis application and financial affidavit, the court will see that the actual application was in support of Petitioner's motion for appointment of counsel and not leave to file in forma pauperis. However, due Petitioner's own negligence, the actual motion for appointment of counsel was not submitted and filed with the actual petition. Petitioner does not wish to challenge the denial of the motion as moot, but would like to continue the proceedings to the Federal Habeaus Corpus Petiton.

Respectfully Submitted,
Jose Vidaurri
Jose Vidaurri
Petitioner

CERTIFICATE OF SERVICE

I, Jose Vidaurri, certify under the penalty of perjury of perjury that I mailed a copy of the attached document(s) via the United States Postal Service in the mail at Stateville Correctional Center on July 24, 2008 to:

The Office of the Attorney General
Chief, Criminal Appeals Division
100 West Randolph Street, 12th Fl.
Chicago, Illinois 60601

s/Jose Vidaurri
Jose Vidaurri, R15606
Stateville Corr. Cntr.
P.O. Box 112
Joliet, Il, 60434

Jose Vidaurri