

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>GIGIMAN G. HAMILTON,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
v.	)	<b>CASE NO. 13-cv-20-WDS</b>
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
<b>Respondent.</b>	)	

**ORDER**

**STIEHL, District Judge:**

This matter is before the Court sua sponte, upon the Court’s conversion of a motion filed in petitioner’s criminal case (Case No. 06-CR-30068, Doc. 331) to a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 (Doc. 1).

Petitioner is hereby **NOTIFIED AND WARNED** of the following consequences of the Court’s Order of January 7, 2013, opening this habeas action:

- (1) The recharacterization of petitioner’s motion means that any subsequently filed § 2255 motion would be subject to the limitations against second or successive motions, as described in § 2255(h);
- (2) In response to the Court’s action, petitioner may
  - a. Object to the recharacterization;
  - b. Withdraw the filing; OR
  - c. Amend the filing so that it contains all of the § 2255 claims he believes he has.

*See Castro v. United States*, 540 U.S. 375, 383 (2003); *Henderson v. United States*, 264 F.3d 709, 711 (7th Cir. 2001).

Petitioner **SHALL** respond to this Order on or before January 29, 2013.

The Clerk of the Court is **DIRECTED** to send to petitioner, via U.S. Mail, the Court's form for filing a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct sentence by a person in federal custody.

**IT IS SO ORDERED.**

**DATE: January 9, 2013**

**/s/ WILLIAM D. STIEHL**  
**DISTRICT JUDGE**