

# United States Court of Appeals

For the Seventh Circuit  
Chicago, Illinois 60604

Decided August 20, 2009

Before

MICHAEL S. KANNE, *Judge*

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No. 09-2197

ANGEL FIGUEROA,  
*Petitioner-Appellant,*

*v.*

UNITED STATES OF AMERICA,  
*Respondent-Appellee.*

Appeal from the United States District  
Court for the Northern District of Illinois,  
Eastern Division.

No. 07 C 6321

Wayne R. Andersen,  
*Judge.*

## ORDER

Angel Figueroa has filed a notice of appeal from the denial of his motion under 28 U.S.C. § 2255, which we construe as an application for a certificate of appealability. This court has reviewed the final order of the district court and the record on appeal. We conclude that Figueroa has made a substantial showing of the denial of a constitutional right as to whether the district court adequately informed him of his right to counsel. *See* 28 U.S.C. § 2253(c)(2).

Accordingly, the request for a certificate of appealability is GRANTED. Briefing in this case shall proceed as follows:

1. The brief and required short appendix of the appellant are due by November 2, 2009.
2. The brief of the appellee is due by December 1, 2009.
3. The reply brief of the appellant, if any, is due by December 15, 2009.

Should Figueroa request counsel for his appeal, he must also file a motion establishing his inability to pay counsel's fee.

Note: Circuit Rule 31(e) (amended Dec. 1, 2001) requires that counsel tender a digital copy of a brief, from cover to conclusion, at the time the paper copies are tendered for filing. The file must be a text-based PDF (portable document format), which contains the entire brief from cover to conclusion. Graphic-based scanned PDF images do not comply with this rule and will not be accepted by the clerk.

Rule 26(c), Fed. R. App. P., which allows three additional days after service by mail, does not apply when the due dates for briefs are specifically set by order of this court. All briefs are due by the dates ordered.

**Important Scheduling Notice !**

Notices of hearing for particular appeals are mailed shortly before the date of oral argument. Criminal appeals are scheduled shortly after the filing of the appellant's main brief; civil appeals after the filing of the appellee's brief. If you foresee that you will be unavailable during a period in which your particular appeal might be scheduled, please write the clerk advising him of the time period and the reason for such unavailability. Session data is located at <http://www.ca7.uscourts.gov/cal/calendar.pdf>. Once an appeal is formally scheduled for a certain date, it is very difficult to have the setting changed. See Circuit Rule 34(e).