

**General Docket
Seventh Circuit Court of Appeals**

Court of Appeals Docket #: 10-3964
Nature of Suit: 2510 Prisoner Petition-Vacate Sentence
George Ryan v. USA
Appeal From: Northern District of Illinois, Eastern Division
Fee Status: Paid

Docketed: 12/28/2010
Termed: 08/06/2012

Case Type Information:

- 1) prisoner
- 2) federal
- 3) 2255CaGranted

Originating Court Information:

District: 0752-1 : [1:10-cv-05512](#)
Court Reporter: Frances Ward, Court Reporter
Trial Judge: Rebecca R. Pallmeyer, District Court Judge
Date Filed: 08/31/2010
Date Order/Judgment:
12/21/2010

Date NOA Filed:
12/27/2010

Prior Cases:

06-3528 **Date Filed:** 09/20/2006 **Date Disposed:** 08/21/2007 **Disposition:** AFFIRMED

Current Cases:

None

GEORGE H. RYAN, SR.
Petitioner - Appellant

Albert W. Alschuler, Attorney
Direct: 773-267-5884
[COR LD NTC Retained]
4123 N. Claremont Avenue
Chicago, IL 60618-0000

v.

UNITED STATES OF AMERICA
Respondent - Appellee

Marc Krickbaum, Attorney
Direct: 312-469-6052
[COR LD NTC US Attorney]
OFFICE OF THE UNITED STATES ATTORNEY
5th Floor
219 S. Dearborn Street
Chicago, IL 60604-0000

Laurie J. Barsella, Attorney
Direct: 312-353-6069
[NTC US Attorney]
OFFICE OF THE UNITED STATES ATTORNEY
219 S. Dearborn Street
Chicago, IL 60604-0000


GEORGE H. RYAN, SR.,
Petitioner - Appellant


v.

UNITED STATES OF AMERICA,
Respondent - Appellee

12/28/2010	<input type="checkbox"/> 1 143 pg, 739.23 KB	Federal prisoner's 2255 case docketed. Certificate of Appealability granted 12/22/2010. Fee paid. Transcript information sheet due by 01/11/2011. Docketing Statement due for Appellant George H. Ryan Sr. by 01/03/2011. Appellant's brief due on or before 02/07/2011 for George H. Ryan Sr.. Record on Appeal from Northern District of Illinois, Eastern Division due by 01/18/2011. [1] [6275566] [10-3964] (AD)
12/29/2010	<input type="checkbox"/>	Terminated Attorney Laurie J. Barsella and added Attorney Marc Krickbaum for Appellee USA in case 10-3964, pursuant to email notification from the Office of the U.S. Attorney regarding counsel of record. [6275944-2] [6275944] [10-3964] (JR)
01/03/2011	<input type="checkbox"/> 2 4 pg, 141.68 KB	Docketing statement filed by Appellant George H. Ryan, Sr.. [2] [6276752] [10-3964] (AM)
01/05/2011	<input type="checkbox"/> 3 4 pg, 187.13 KB	Emergency motion filed by Appellant George H. Ryan, Sr. to grant bail pending appeal. [6277224] [10-3964] (AD)
01/05/2011	<input type="checkbox"/> 4 34 pg, 1.68 MB	Filed Appellant George H. Ryan, Sr. Memorandum In Support of his 3 motion to grant bail pending appeal. [4] [6277227] [10-3964] (AD)
01/05/2011	<input type="checkbox"/> 5 1 pg, 55.36 KB	Supplemental letter to motion to grant bail pending appeal filed by Appellant George H. Ryan, Sr. [5] [6277228] [10-3964] (AD)
01/05/2011	<input type="checkbox"/> 6 6 pg, 373.95 KB	Disclosure Statements filed by Attorney Albert W. Alschuler, Dan K. Webb, Andrea D. Lyon, Matthew R. Carter, Gregory J. Miarecki and James R. Thompson for Appellant George H. Ryan, Sr. [6] [6277230] [10-3964] (AD)
01/05/2011	<input type="checkbox"/> 7 1 pg, 83.36 KB	ORDER re: EMERGENCY MOTION TO GRANT BAIL PENDING APPEAL. The court ORDERS the government to respond to the motion by 10:00 a.m., Friday, January 7, 2011. AIN [7] [6277290] [10-3964] (AD)
01/07/2011	<input type="checkbox"/> 8 16 pg, 792.9 KB	Filed Response by USA to motion to grant bail pending appeal, filed by Appellant George H. Ryan, Sr. in 10-3964. 3 . [8][6277742] [10-3964] (AD)
01/07/2011	<input type="checkbox"/> 9 5 pg, 222.29 KB	Filed Appellant George H. Ryan, Sr. reply to government's response to his emergency motion to grant bail pending appeal. 8 [9][6277809] [10-3964] (AD)
01/07/2011	<input type="checkbox"/> 10 6 pg, 308.94 KB	Motion filed by Appellee USA to file sur-reply to defendant Ryan's emergency motion to grant bail pending appeal. 4 copies sur-reply tendered. [6277923] [10-3964] (AD)
01/07/2011	<input type="checkbox"/> 11 1 pg, 78.85 KB	Instant order issued GRANTING Government's Motion to File Sur-reply to Defendant Ryan's Emergency Motion to Grant Bail Pending Appeal. The clerk of this court shall file the government's sur-reply INSTANTER. [10]. AIN [11] [6277966] [10-3964] (AD)
01/07/2011	<input type="checkbox"/> 12 3 pg, 197.96 KB	Filed Appellee USA sur-reply to defendant Ryan's emergency motion to grant bail pending appeal, per order. [12][6277979] [10-3964] (AD)
01/10/2011	<input type="checkbox"/> 13 383 pg, 6.27 MB	Original record on appeal filed electronically. Contents of record : 1 vol. of pleadings. [13] [6278214] [10-3964] (RS)
01/10/2011	<input type="checkbox"/> 14	Filed electronic transcript of proceedings held on 9/9/10. [14] [6278215] THIS TRANSCRIPT IS FOR INTERNAL COURT USE ONLY. Remote electronic access to the transcript is ONLY available through the District Court's PACER system. [10-3964] (RS)
01/10/2011	<input type="checkbox"/> 15 1 pg, 117.22 KB	Order issued DENYING Appellant's Emergency Motion to Grant Bail Pending Appeal. Appellant has not met the high standard for release pending appeal of a petition under 28 U.S.C. § 2255, see Cherek v. United States, 767 F.2d 335 (7th Cir. 1985), because his chance of success on appeal is not sufficiently high, see United States v. Cantrell, 617 F.3d 919 (7th Cir. 2010), United States v. Black, 625 F.3d 386 (7th Cir. 2010). However, we note that appellant's attorneys have suggested the possibility that he might be released during the days so that he can be with his wife, and remain incarcerated at Kankakee at night. This possibility might be a humane way to address the personal aspect of his motion. As counsel recognize, however, a request for such an arrangement must be presented by the appellant to the Bureau of Prisons, because the Bureau is statutorily vested with the authority to take such action. See 18 U.S.C. § 3622; 28 C.F.R. §§ 570.30-45. 3 AIN [15] [6278392] [10-3964] (AD)
01/14/2011	<input type="checkbox"/> 16 1 pg, 77.05 KB	Filed Seventh Circuit Transcript Information Sheet by Appellant George H. Ryan, Sr. [16] [6279892] [10-3964] (AM)

02/03/2011	<input type="checkbox"/> 17 4 pg, 140.7 KB	Motion filed by Appellant George H. Ryan, Sr. to file an opening brief of 20,000 words or, in the alternative for an extension of time. [6284249] [10-3964]--[Edited 02/04/2011 by JAD to attach the correct document.] (KL)
02/04/2011	<input type="checkbox"/> 18 1 pg, 94.35 KB	Order issued GRANTING motion to extend time to file appellant's brief and to file oversized brief to the extent that appellant's opening brief may contain up to 17,000 words and is not due until February 11, 2011. The remainder of briefing will proceed as follows: 17 Appellee's brief due on or before 03/14/2011 for United States of America. Appellant's reply brief, if any, is due on or before 03/28/2011 for Appellant George H. Ryan Sr. 17 AIN [18] [6284384] [10-3964] (AM)
02/11/2011	<input type="checkbox"/> 19 142 pg, 404.4 KB	15 copies Appellant's brief filed by Appellant George H. Ryan, Sr. [6286322] [19] Disk Filed. [19] [6286322] [10-3964] (RT)
02/11/2011	<input type="checkbox"/> 20 447 pg, 23.72 MB	Filed 10 copies Appendix vols. I & II by Appellant George H. Ryan, Sr. [20] [6286325] [10-3964] (RT)
03/07/2011	<input type="checkbox"/> 21 4 pg, 152.53 KB	Motion filed by Appellee USA to file oversize brief. [6291996] [10-3964] (KH)
03/08/2011	<input type="checkbox"/> 22 1 pg, 95.93 KB	Order issued GRANTING Government's Unopposed Motion to File Brief in Excess of Word Limitation. The government's brief may contain up to 17,000 words. 21 SCR [22] [6292222] [10-3964] (AD)
03/14/2011	<input type="checkbox"/> 23 1 pg, 35.61 KB	Supplemental paper record on appeal filed. Contents of record : 2 vol. of exhibits. [23] [6293484] [10-3964] (DW)
03/15/2011	<input type="checkbox"/> 24 81 pg, 224.92 KB	15 copies Appellee's brief filed by Appellee USA. [6293879] [24] Disk Filed. [24] [6293879] [10-3964] (LB)
03/17/2011	<input type="checkbox"/> 25 4 pg, 123.71 KB	Motion filed by Appellant George H. Ryan, Sr. for leave to file a reply brief of 8500 words. [6294600] [10-3964] (FP)
03/21/2011	<input type="checkbox"/> 26 1 pg, 107.24 KB	Order issued GRANTING motion to file oversize brief. Appellant may file a reply brief containing up to, but not more than, 8,500 words. 25 AIN [26] [6295039] [10-3964] (AM)
03/28/2011	<input type="checkbox"/> 27 40 pg, 183.2 KB	15 copies Appellant's reply brief filed by Appellant George H. Ryan, Sr.. [6296764] [27] Electronically Transmitted. [27] [6296764] [10-3964] (RT)
03/31/2011	<input type="checkbox"/> 28 1 pg, 46.97 KB	NOTICE: Attorney Marc Krickbaum for Appellee USA will not be available for oral argument May 2-6; June 6-10, 2011. [28] [6297705] [10-3964] (AB)
04/13/2011	<input type="checkbox"/> 29 1 pg, 41.81 KB	NOTICE: Attorney Albert W. Alschuler for Appellant George H. Ryan, Sr. will not be available for oral argument May 23-26; June 14-17, 2011. [29] [6300679] [10-3964] (AB)
04/20/2011	<input type="checkbox"/> 30 4 pg, 140.75 KB	Argument set for Tuesday, May 31, 2011, at 9:30 a.m. in the Main Courtroom, Room 2721. Each side limited to 20 minutes. [30] [6302557] [10-3964] (AB)
04/27/2011	<input type="checkbox"/>	Received argument confirmation per argument email form for Laurie J. Barsella for USA, in case 10-3964. [6303879-2] [6303879] [10-3964] (LB)
05/04/2011	<input type="checkbox"/>	Received argument confirmation per argument email form for Attorney Albert W. Alschuler for Appellant George H. Ryan, Sr.. [6305662-2] [6305662] [10-3964] (LJ)
05/24/2011	<input type="checkbox"/> 31 7 pg, 136.65 KB	Filed Appellant George H. Ryan, Sr. Citation of Additional Authority, per Circuit Rule 28(e). [31] [6310536] [10-3964] (Alschuler, Albert)
05/26/2011	<input type="checkbox"/> 32 6 pg, 369.76 KB	Filed Appellee USA FRAP 28(j) Letter. [32] [6311214] [10-3964]--[Edited 05/26/2011 by AD to reflect the proper document and title.] (Barsella, Laurie)
05/27/2011	<input type="checkbox"/> 33 6 pg, 234.56 KB	Filed Response by Appellant George H. Ryan, Sr. to Rule 28(j) letter. [33][6311545] [10-3964] (Alschuler, Albert)
05/31/2011	<input type="checkbox"/> 34	Case heard and taken under advisement by panel: Frank H. Easterbrook, Chief Judge; Diane P. Wood, Circuit Judge and John Daniel Tinder, Circuit Judge. [34] [6311951] [10-3964] (SK)

05/31/2011	<input type="checkbox"/> 35	Case argued by Albert W. Alschuler for Appellant George H. Ryan, Sr. and Mrs. Laurie J. Barsella for Appellee USA. [35] [6311968] [10-3964] (SK)
05/31/2011	<input type="checkbox"/> 36 1 pg, 100.59 KB	ORAL ORDER from the bench requesting the parties to provide supplemental memoranda, within fourteen days of the date of this order, addressing the bearing of Davis v. United States, 417 U.S. 333 (1974), Engle v. Isaac, 456 U.S. 107 (1982), United States v. Frady, 456 U.S. 152 (1982), and Bousley v. United States, 523 U.S. 614 (1998) on this case. [36] [6312126] [10-3964] (ER)
06/14/2011	<input type="checkbox"/> 37 52 pg, 1.07 MB	Filed post argument memorandum by Appellant George H. Ryan, Sr.. [37] [6315486] [10-3964] (Alschuler, Albert)
06/14/2011	<input type="checkbox"/> 38 12 pg, 92.02 KB	Filed Response by Appellee USA to GOVERNMENT'S SUPPLEMENTAL MEMORANDUM. [38][6315503] [10-3964] (Barsella, Laurie)
06/24/2011	<input type="checkbox"/> 39 11 pg, 190.13 KB	Emergency motion filed by Appellant George H. Ryan, Sr. to Grant Bail Pending Appeal (Renewed). [6318049] [10-3964] (Alschuler, Albert)
06/24/2011	<input type="checkbox"/> 40 1 pg, 98.78 KB	Order issued DENYING renewed emergency motion to grant bond pending appeal. [39] AIN [40] [6318113] [10-3964] (JAD)
07/06/2011	<input type="checkbox"/> 41 11 pg, 102.33 KB	Filed opinion of the court by Judge Easterbrook. AFFIRMED. Frank H. Easterbrook, Chief Judge; Diane P. Wood, Circuit Judge and John Daniel Tinder, Circuit Judge. [41] [6320284] [10-3964] (CD)
07/06/2011	<input type="checkbox"/> 42 1 pg, 89.77 KB	ORDER: Final judgment filed per opinion. With costs: yes. [42] [6320288] [10-3964] (CD)
07/19/2011	<input type="checkbox"/> 43 108 pg, 952.82 KB	Submitted petition for rehearing en banc by ALBERT W. ALSCHULER for Appellant George H. Ryan, Sr.. [43] [6323330] [10-3964] (Alschuler, Albert)
07/19/2011	<input type="checkbox"/> 44 95 pg, 1.07 MB	Submitted petition for rehearing en banc by ALBERT W. ALSCHULER for Appellant George H. Ryan, Sr.. [44] [6323649] [10-3964] (Alschuler, Albert)
07/19/2011	<input type="checkbox"/> 45 29 pg, 480.99 KB	Filed Petition for Rehearing and Petition for Rehearing En banc by Appellant George H. Ryan, Sr.. [45] [6323682] Paper copies due on 07/22/2011. [10-3964] (RS)
07/19/2011	<input type="checkbox"/> 46 66 pg, 620.15 KB	Filed Appendix by Appellant George H. Ryan, Sr.. [46] [6323683] [10-3964] (RS)
08/03/2011	<input type="checkbox"/> 47 1 pg, 36.07 KB	ORDER: Petitioner-appellant filed a Petition for Rehearing and Rehearing En Banc on July 19, 2011. No judge in regular active service has requested a vote on the Petition for Rehearing En Banc*, and all of the judges on the panel have voted to deny rehearing. The Petition for Rehearing is therefore DENIED. (* Judge Flaum and Judge Rovner did not participate in the consideration of this petition.) [47] [6327204] [10-3964] (KL)
08/11/2011	<input type="checkbox"/> 48 2 pg, 92.15 KB	Mandate issued. Entire record returned consisting of 2 vol. exhibits. [48] [6329268] [10-3964] (JC)
08/11/2011	<input type="checkbox"/>  15 pg, 335.32 KB	FOR COURT USE ONLY: Certified copy of 07/06/2011 Final Order with Mandate sent to the District Court Clerk. [6329271-2] [6329271] [10-3964] (JC)
10/24/2011	<input type="checkbox"/> 49 1 pg, 41.13 KB	Filed notice from the Supreme Court of the filing of a Petition for Writ of Certiorari. 11-499 [49] [6347710] [10-3964] (CD)
05/01/2012	<input type="checkbox"/> 50 1 pg, 45.48 KB	Filed order from the Supreme Court GRANTING the Petition for Writ of Certiorari. VACATED and REMANDED in light of Wood v. Milyard. 11-499. [50] [6393950] [10-3964] (AM)
06/01/2012	<input type="checkbox"/> 51 3 pg, 150.22 KB	Filed Supreme Court judgment in 11-499. 06/01/2012. The Petition for a Writ of Certiorari is GRANTED. The judgment of the U.S. Court of Appeals for the Seventh Circuit is VACATED with costs, and the case is REMANDED for further consideration in light of Wood v. Milyard, 566 U.S. ____ (2012). Petitioner George H. Ryan, Sr. shall recover from the United States Three Hundred Dollars (\$300.00) for costs herein expended. [51] [6402451] [10-3964] (CD)
06/01/2012	<input type="checkbox"/> 52	In conformity with the decision of the US Supreme Court dated 6/1/12, this appeal is REINSTATED. [52] CH [6402452] [10-3964] (CD)

06/01/2012	<input type="checkbox"/> 53 1 pg, 88.92 KB	The Supreme Court has REMANDED this appeal to this court for further proceedings. The Supreme Court issued a certified copy of its judgment on 06/01/2012. IT IS ORDERED that a Circuit Rule 54 Statement is due by 06/22/2012. [6402453] [10-3964] (CD)
06/18/2012	<input type="checkbox"/> 54 1 pg, 37.01 KB	Disclosure Statement filed by Attorney Karl A. Leonard for Appellant George H. Ryan, Sr.. [54] [6406686] [10-3964] (Leonard, Karl)
06/22/2012	<input type="checkbox"/> 55 19 pg, 123.24 KB	Filed Circuit Rule 54 Statement of Position by Appellee USA , as ordered by this court. [55] [6407798] [10-3964] (Barsella, Laurie)
06/22/2012	<input type="checkbox"/> 56 27 pg, 171.75 KB	Filed Circuit Rule 54 Statement of Position by Appellant George H. Ryan, Sr. , as ordered by this court. [56] [6407825] [10-3964] (Alschuler, Albert)
07/09/2012	<input type="checkbox"/> 57 4 pg, 137.73 KB	Argument set for Friday, July 20, 2012, at 2:00 p.m. in the Main Courtroom, Room 2721. Each side limited to 15 minutes. [57] [6411180] [10-3964] (AB)
07/10/2012	<input type="checkbox"/> 58 1 pg, 36.99 KB	Received argument confirmation from Albert W. Alschuler for Appellant George H. Ryan, Sr.. [58] [6411758] [10-3964] (Alschuler, Albert)
07/12/2012	<input type="checkbox"/> 59 1 pg, 319.7 KB	Received argument confirmation from Laurie Barsella for Appellee USA. [59] [6412171] [10-3964] (Barsella, Laurie)
07/19/2012	<input type="checkbox"/> 60	Supplemental paper record on appeal filed. Contents of record : 1 vol. of exhibits. [60] [6414051] [10-3964] (SK)
07/20/2012	<input type="checkbox"/> 61	Case heard and taken under advisement by panel: Frank H. Easterbrook, Chief Judge; Diane P. Wood, Circuit Judge and John Daniel Tinder, Circuit Judge. [61] [6414264] [10-3964] (RS)
07/20/2012	<input type="checkbox"/> 62	Case argued by Albert W. Alschuler for Appellant George H. Ryan, Sr. and Mrs. Laurie J. Barsella for Appellee USA. [62] [6414266] [10-3964] (RS)
08/06/2012	<input type="checkbox"/> 63 16 pg, 107.85 KB	Filed opinion of the court by Chief Judge Easterbrook. AFFIRMED. Frank H. Easterbrook, Chief Judge; Diane P. Wood, Circuit Judge and John Daniel Tinder, Circuit Judge. [63] [6417761] [10-3964] (AD)
08/06/2012	<input type="checkbox"/> 64 1 pg, 98.62 KB	ORDER: Final judgment filed per opinion. With costs: yes. [64] [6417764] [10-3964] (AD)
09/07/2012	<input type="checkbox"/> 65 45 pg, 262.36 KB	Submitted petition for rehearing by ALBERT W. ALSCHULER for Appellant George H. Ryan, Sr.. [65] [6426384] [10-3964] (Alschuler, Albert)
09/07/2012	<input type="checkbox"/> 66 45 pg, 273.93 KB	Filed Petition for Rehearing and Petition for Rehearing Enbanc by Appellant George H. Ryan, Sr.. [66] [6426419] Paper copies due on 09/10/2012 [10-3964] (CO)
09/24/2012	<input type="checkbox"/> 67 1 pg, 42.19 KB	ORDER: Appellant George H. Ryan, Sr. Petition for Rehearing and Petition for Rehearing Enbanc is DENIED. *Circuit Judges Flaum and Rovner did not participate in the consideration of this petition. [6429999][67] [10-3964] (FP)
10/02/2012	<input type="checkbox"/> 68 2 pg, 91.85 KB	Mandate issued. Record to be returned later 1 vol. of exhibits. [68] [6432040] [10-3964] (SP)
10/02/2012	<input type="checkbox"/>  20 pg, 704.43 KB	FOR COURT USE ONLY: Certified copy of 08/06/2012 Final Order with Mandate sent to the District Court Clerk. [6432042-2] [6432042] [10-3964] (SP)
10/18/2012	<input type="checkbox"/> 69 2 pg, 90.79 KB	Original record returned to the District Court. Entire record returned consisting of 1 vol. of exhibits. [69] [6436180] [10-3964] (SP)
12/28/2012	<input type="checkbox"/> 70 1 pg, 54.8 KB	Filed notice from the Supreme Court of the filing of a Petition for Writ of Certiorari. 12-779 [70] [6453098] [10-3964] (AD)
02/19/2013	<input type="checkbox"/> 71 1 pg, 60.63 KB	Filed order from the Supreme Court DENYING the Petition for Writ of Certiorari. 12-779. [71] [6465212] [10-3964] (FP)