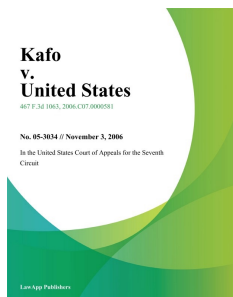


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KAFO V UNITED STATES EBOOKS 2019



Author: United States Court of Appeals for the Federal Circuit

Realese Date: Expected @@expectedReleaseDate@@

Saidi Kafo appeals the denial of a motion brought pursuant to 28 U.S.C. Â§ 2255. The district court denied the motion without an evidentiary hearing and further denied a certificate of appealability. On October 25, 2005, we granted a certificate of appealability on the issue of "whether [] counsel was ineffective for failing to file an appeal." Kafo v. United States, No. 05-3034 (7th Cir. Oct. 25, 2005) (unpublished order). We further instructed the parties to address whether Mr. Kafo had presented enough evidence on this issue to warrant an evidentiary hearing. We conclude that the amended motion submitted by Mr. Kafo was insufficient because it was not submitted under oath or accompanied by an affidavit. Following the course recommended by the Advisory Committee Notes to the Rules Governing Section 2255 Proceedings for the United States District Courts, we vacate the decision of the district court and remand the case with instructions that the court give the petitioner an opportunity to file such a verified pleading or affidavit.

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