

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Jaykumar Patel v. United States of America

Case No. 3:24-cv-2221-DWD (S.D. Ill. Apr. 6, 2026) · No. 3:24-cv-2221-DWD · Decided April 6, 2026

SUMMARY

The United States District Court for the Southern District of Illinois denies Jaykumar Patel’s motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. Patel alleged ineffective assistance of trial and appellate counsel concerning the calculation of the Sentencing Guidelines, the court’s upward variance, and the evidentiary basis for sentencing findings. The opinion recounts Patel’s guilty plea and 72-month sentence for conspiracy to commit mail fraud, as well as the Seventh Circuit’s dismissal of his Anders appeal.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	David W. Dugan
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	April 6, 2026
DOCKET	3:24-cv-2221-DWD
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner moved under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence based on alleged ineffective assistance of trial and appellate counsel. The district court denied the motion without an evidentiary hearing, dismissed the case with prejudice, and declined to issue a certificate of appealability.
STANDARD OF REVIEW	Under 28 U.S.C. § 2255, collateral relief is available only for a sentence imposed in violation of the Constitution or laws of the United States, by a court without jurisdiction, in excess of the lawful maximum, or otherwise subject to collateral attack. An evidentiary hearing is unnecessary when the files and records conclusively show that the movant is not entitled to relief. Ineffective-assistance claims are governed by Strickland’s deficient-performance and prejudice requirements.

PRECEDENTIAL VALUE	Unpublished district court memorandum and order; persuasive but generally nonprecedential.
PARTIES	Jaykumar Patel v. United States of America

TOPICS

federal habeas corpus post-conviction relief ineffective assistance sentencing appellate procedure

PRACTICE AREAS

federal habeas corpus post-conviction relief ineffective assistance sentencing criminal procedure

QUESTIONS PRESENTED

1. Whether trial counsel was ineffective for failing to challenge the upward variance, guideline calculations, loss and restitution amounts, vulnerable-victim and minor-role considerations, and the sentencing court's reliance on certain factual matters.
2. Whether appellate counsel was ineffective for failing to raise a nonfrivolous challenge to the upward-variance sentence and related sentencing issues.
3. Whether the record required an evidentiary hearing under 28 U.S.C. § 2255(b).
4. Whether Petitioner was entitled to a certificate of appealability.

HOLDINGS

1. Petitioner failed to establish either objectively deficient performance or prejudice under Strickland. Counsel was not ineffective for arguments counsel actually raised, for declining to pursue issues the Seventh Circuit had deemed frivolous, or for making reasonable strategic choices concerning unfavorable post-arrest and unindicted conduct.
2. No evidentiary hearing was required because the files and records conclusively showed that Petitioner was not entitled to relief.
3. A certificate of appealability was denied because Petitioner failed to make a substantial showing of the denial of a constitutional right and reasonable jurists would not find the court's assessment debatable or wrong.

KEY QUOTATIONS

“To prevail on a claim of ineffective assistance of counsel, Petitioner must prove his counsel’s performance fell below an objective standard of reasonableness or, put another way, was “objectively deficient,” and caused prejudice.” (Analysis)

“For the reasons explained above, Petitioner’s Motion to Vacate, Set Aside, or Correct Sentence under § 2255 is DENIED without a hearing.” (Conclusion)

“The case is DISMISSED with prejudice.” (Conclusion)

FACTUAL BACKGROUND

Petitioner pleaded guilty to participating in a conspiracy that defrauded elderly victims through fraudulent telephone calls and the shipment of cash and gift cards. He served as a courier who collected packages containing victims' money and transferred the proceeds as directed by coconspirators. The district court calculated an advisory Guidelines range of 41 to 51 months and imposed a 72-month upward-variance sentence based on the seriousness and scope of the fraud, the targeting of vulnerable victims, post-arrest conduct, and deterrence considerations.

PROCEDURAL HISTORY

Petitioner pleaded guilty in the underlying criminal case to conspiracy to commit mail fraud and received a 72-month sentence, an upward variance from the advisory Guidelines range, supervised release, restitution, an assessment, and a fine. The Seventh Circuit granted appellate counsel's Anders motion to withdraw and dismissed the direct appeal after concluding that no nonfrivolous sentencing issue existed. Petitioner then filed this § 2255 motion, which the district court denied after reviewing the criminal-case record and the parties' submissions.

DISPOSITION

dismissed

CASES CITED

- United States v. Patel, No. 21-cr-30118-DWD
- Anders v. California, 386 U.S. 738 (1967)
- United States v. Edwards, 777 F.2d 364 (7th Cir. 1985)
- Almonacid v. United States, 476 F.3d 518, 521 (7th Cir. 2007)
- United States v. Taylor, 605 F. Supp. 3d 1079, 1081 (N.D. Ill. 2022)
- Kafo v. United States, 467 F.3d 1063, 1067 (7th Cir. 2006)
- United States v. Martin, 549 F. Supp. 3d 767, 773 (N.D. Ill. 2021)
- Rodriguez v. United States, 286 F.3d 972, 987 (7th Cir. 2002)
- Strickland v. Washington, 466 U.S. 668, 687-88 (1984)
- Wyatt v. United States, 574 F.3d 455, 457-58 (7th Cir. 2009)
- Watson v. Anglin, 560 F.3d 687, 690 (7th Cir. 2009)
- Galbraith v. United States, 313 F.3d 1001, 1008 (7th Cir. 2002)
- Clay v. United States, 311 F. Supp. 3d 911, 918-19 (N.D. Ill. 2018)
- Eddmonds v. Peters, 93 F.3d 1307, 1313 (7th Cir. 1996)
- United States v. Godwin, 202 F.3d 969, 973 (7th Cir. 2000)
- Hill v. Lockhart, 474 U.S. 52, 59 (1985)
- Rastafari v. Anderson, 278 F.3d 673, 688 (7th Cir. 2002)
- United States v. Mikulski, 35 F.4th 1074, 1077 (7th Cir. 2022)

- United States v. Iriri, 825 F.3d 351, 352 (7th Cir. 2016)
- United States v. Molton, 743 F.3d 479, 484 (7th Cir. 2014)
- United States v. Faulkner, 885 F.3d 488, 498 (7th Cir. 2018)
- United States v. Burnett, 2024 WL 3873942, at *2 (7th Cir. Aug. 20, 2024)
- United States v. Zehm, 217 F.3d 506, 511 (7th Cir. 2000)
- United States v. Gumila, 879 F.3d 831, 834 (7th Cir. 2018)
- United States v. Harmelech, 927 F.3d 990, 996 (7th Cir. 2019)
- United States v. Newton, 76 F.4th 662, 672 (7th Cir. 2023)
- United States v. Dokich, 614 F.3d 314, 319 (7th Cir. 2010)
- United States v. Robl, 8 F.4th 515, 527 (7th Cir. 2021)
- United States v. Locke, 759 F.3d 760, 765 (7th Cir. 2014)
- United States v. Fleming, 676 F.3d 621, 625 (7th Cir. 2012)
- Tennard v. Dretke, 542 U.S. 274, 281 (2004)
- Arredondo v. Huibregtse, 542 F.3d 1155, 1165 (7th Cir. 2008)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)

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