

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

ROBERT OVUORYE EMOJEVWE,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 1:10cv317-ID
)	(WO)
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

The petitioner has filed a 28 U.S.C. § 2255 motion (Doc. No. 1) and an amendment (Doc. No. 3) asserting claims by which he challenge the convictions and sentence imposed upon him by this court in 1999 for trafficking in counterfeit goods. Upon review of the § 2255 motion as amended, the undersigned concludes that a limited response from the government is necessary at this time. Accordingly, the CLERK is hereby DIRECTED to serve a copy of the petitioner’s § 2255 motion as amended (Doc. Nos. 1 and 3) upon the United States Attorney for the Middle District of Alabama. The United States Attorney is ORDERED to file a response to the § 2255 motion on or before June 3, 2010, addressing the applicability of the one-year period of limitation in this case pursuant to the provisions contained in 28 U.S.C. § 2255.

The government is advised that its response should contain a detailed procedural history, all relevant records, and citations to applicable case law necessary for the court to

determine the applicability of the limitation period contained in 28 U.S.C. § 2255. Should the government's response to the instant order indicate that this case must proceed on the merits, the government will be given an adequate opportunity to file a response addressing all claims presented in the § 2255 motion.

Done this 4th day of May, 2010.

/s/Charles S. Coody
CHARLES S. COODY
UNITED STATES MAGISTRATE JUDGE