

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

TIMOTHY JEVON SEWELL,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 2:10cv658-ID
)	(WO)
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER ON MOTION

Upon consideration of Petitioner’s motion for extension of time (Doc. No. 3), it is **ORDERED** that this motion be and is hereby **GRANTED**. It is further **ORDERED** that Petitioner be **GRANTED** an extension from August 25, 2010, to **and including September 30, 2010**, to comply with the court’s order of August 4, 2010 (Doc. No. 2), by advising this court whether he seeks to do one of the following:

1. Proceed before this court pursuant to 28 U.S.C. § 2255 on those claims presented in his pleading filed on July 30, 2010 (Doc. No. 1), and which this court intends to recharacterize as a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255;
2. Amend his pleading to assert any additional claims pursuant to 28 U.S.C. § 2255 on which he wishes to challenge the conviction and sentence imposed upon him by this court; or

3. Withdraw his pleading.

Petitioner is again CAUTIONED that if he fails to file a response in compliance with this court's order, which requires that he advise the court that he wishes to do one of the above, this cause shall proceed as an action under 28 U.S.C. § 2255, with the court considering only those claims presented in his original pleading (Doc. No. 1).

Petitioner is again advised that the relief he seeks through the pleading he filed with this court may properly be obtained only pursuant a 28 U.S.C. § 2255. In order to assist Petitioner in presenting any claims he wishes to present in a 28 U.S.C. § 2255 motion, the Clerk of Court is **DIRECTED** to provide Petitioner with the form used for filing a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255.

It is further

ORDERED that the motion to appoint counsel that is contained in the instant motion (Doc. No. 3) is **DENIED** at this time.

Done this 15th day of September, 2010.

/s/Susan Russ Walker
SUSAN RUSS WALKER
CHIEF UNITED STATES MAGISTRATE JUDGE