

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

FOWUNDO WALKER,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 2:11cv04-WKW
	)	(WO)
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER ON MOTION**

The petitioner’s motion for leave to file an amended § 2255 motion (Doc. No. 3) is GRANTED.

The petitioner indicates that he wishes to withdraw his previous pleading and to proceed instead on the claims he presents in his amended § 2255 motion (*see* Doc. No. 3, Attachment - filed January 5, 2011, date-stamped “received” January 11, 2011). Therefore, this case will proceed only on the claims presented by the petitioner in his amended § 2255 motion. Accordingly, it is

ORDERED that the United States be GRANTED an extension of time **from February 7, 2011, to and including February 14, 2011**, to file a response to *the petitioner’s amended § 2255 motion*. The government is advised that its response should address only those claims presented by the petitioner in his amended § 2255 motion (Doc. No. 3, Attachment).

Because the amended § 2255 motion contains claims of ineffective assistance of

counsel, the court concludes that the petitioner has waived the attorney-client privilege with respect to these claims. *See Mincey v. Head*, 206 F.3d 1106, 1119 n.13 (11<sup>th</sup> Cir. 2000). Therefore, the CLERK is DIRECTED to provide a copy of the petitioner's amended § 2255 motion to attorney Richard Keith. Accordingly, it is

ORDERED that Mr. Keith be GRANTED an extension of time **from January 27, 2011, to and including February 4, 2011**, to file with this court an affidavit that addresses the claims of ineffective assistance of counsel presented against him *in the petitioner's amended § 2255 motion*. Mr. Keith is advised that his affidavit should address only those claims of ineffective assistance of counsel presented against him in the amended § 2255 motion (Doc. No. 3, Attachment). Mr. Keith shall also furnish the United States Attorney and the petitioner with copies of his affidavit

Done this 12<sup>th</sup> day of January, 2011.

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