

**MINUTES OF THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA**

UNITED STATES OF AMERICA v. KARINN GARDNER
Case No. 3:09-cr-00033-RRB-JDR

THE HONORABLE JOHN D. ROBERTS, United States Magistrate Judge
Leslie R. Need, Law Clerk - Magistrate Judge's Chambers

MINUTE ORDER FROM CHAMBERS

RE: Effect of Retroactivity of Fair Sentencing Act of 2010 on Motions at Dockets 73 and 110

The Petitioner, Karinn Gardner, filed a *Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence* at Docket 73 and an *Amended Petition* at Docket 109. Therein, she cited the Fair Sentencing Act of 2010 in support of her Petition. The Government filed a *Motion to Dismiss in Response to Defendant's Amended Petition to Set Aside, Vacate or Correct Sentence Under 28 U.S.C. § 2255* at Docket 110. In its Motion, the Government argues that the Fair Sentencing Act of 2010 is not retroactive in support of its request for this court to Dismiss Ms. Gardner's Petition.

On June 30, 2011, the United States Sentencing Commission voted to give retroactive effect to the amendment that implements the Fair Sentencing Act of 2010. Given the nature of the parties' arguments, further briefing on the effect, if any, of the retroactivity is necessary. The Petitioner shall have until July 29, 2011 to file a supplement to her Amended Petition **regarding only what effect, if any, the retroactivity of the 2010 act has on her Petition.** The Government shall have until August 12, 2011 to file a Response.

IT IS SO ORDERED.

Entered at the direction of the Honorable John D. Roberts, United States Magistrate Judge

July 8, 2011

Any request for other information or for clarification, modification, or reconsideration of this Order, or for extension of time must be made as a motion. See FED.R.CIV.P. 7(b)(1); D.Ak.LR. 7.1(1). No one should telephone, fax or write to chambers regarding pending cases. The magistrate judge's judicial assistant and/or law clerk are not permitted to discuss any aspect of this case, provide any information or communicate with any person including litigants, lawyers, witnesses and the public regarding cases.

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