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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

United States of America,)	No. CR 07-544-TUC-SMM
Plaintiff,)	No. CV 08-341-TUC-SMM
v.)	ORDER
Abraham Heredia-Oliva,)	
Defendant/Movant.)	

I. Background

On June 4, 2008, Movant Abraham Heredia-Oliva, who is confined in the Corrections Corporation of America’s Central Arizona Detention Center in Florence, Arizona, filed a *pro se* Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody pursuant to 28 U.S.C. § 2255. In a June 9, 2008 Order, the Court summarily dismissed the Motion, concluding that Movant had waived the right to file a § 2255 Motion. The Clerk of Court entered Judgment accordingly.

II. August 2008 Letters

A. August 4, 2008 Letter (Doc. #48)

On August 4, 2008, Movant filed a letter and “attached paperwork” and asked the Court to “read it slow and trying to comprehend the meaning and allegations” and inform Movant whether the Court considered the information prior to sentencing. Movant contends that, if the Court did not consider the information, then Movant and his lawyer “were on a different page.” The Court will deny Movant’s request. Movant was present at sentencing

1 and was aware of the information presented to the Court. To the extent Movant seeks to have
2 the Court provide an opinion as to whether Movant's attorney provided effective assistance
3 of counsel, the Court does not provide advisory opinions. See United States v. Cook, 795
4 F.2d 987, 994 (Fed. Cir. 1986). Finally, nothing in the information Movant presents in his
5 letter and the attached paperwork provides any basis for the Court to conclude that Movant's
6 plea was involuntarily or that Movant did not expressly waive issues regarding the imposition
7 of sentence and expressly waive the right to bring a § 2255 motion.

8 **B. August 25, 2008 Letter (Doc. #49)**

9 On August 25, 2008, Movant filed another letter. In this letter, Movant requested that
10 the Court provided him with the status of this case. The Court will grant that request to the
11 extent that this Order provides Movant with the status of this closed case.

12 **IT IS HEREBY ORDERED** that:

13 (1) Movant's August 4, 2008 Letter (Doc. #48) is **denied**.

14 (2) Movant's August 25, 2008 Letter (Doc. #49) is **granted** to the extent this Order
15 provides Movant with the status of this closed case.

16 (3) This case and the civil action opened in connection with the § 2255 Motion
17 (CV 08-341-TUC-SMM) must remain **closed**.

18 DATED this 17th day of September, 2008.

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22 Stephen M. McNamee
23 United States District Judge
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