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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiffs,
v.
LYNN G. BEDFORD,
Defendant.

No. 2:02-cr-00468-MCE-CMK

ORDER

On January 13, 2005, Defendant pled guilty to one count of making a false statement in violation of 18 U.S.C. § 1001. The Court sentenced Defendant to 60 months of probation on June 7, 2005. Subsequently, on June 7, 2010, Defendant filed a motion to vacate his sentence pursuant to 28 U.S.C. § 2255. This Court denied that Motion as untimely pursuant to the one-year statute of limitations in 28 U.S.C. § 2254(f)(4), and Defendant appealed.

A panel of the Ninth Circuit reversed this Court’s decision because motions to vacate under 28 U.S.C. § 2255 are only available to “a prisoner in custody.” United States v. Reves, 774 F.3d 562, 565 (9th Cir. 2014). According to that court, Defendant was not “in custody” when he filed his motion, and this Court thus lacked jurisdiction to entertain Defendant’s motion. Id. at 564-65. The appellate court then remanded with instructions for this Court to dismiss Defendant’s motion. Id. at 565. Accordingly, this

1 Court now VACATES its decision (ECF No. 743) denying Defendant's Motion to Vacate
2 (ECF No. 681) and DISMISSES the Motion for lack of jurisdiction. The Clerk of the
3 Court is directed to file this Order in both the above-captioned case and in the
4 companion civil case, 2:10-cv-01402-MCE-CKM. Both cases shall remain closed.

5 IT IS SO ORDERED.

6 Dated: February 17, 2015

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MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT