

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

LUCIO SANCHEZ-BELTRAN,
Petitioner,
v.
UNITED STATES OF AMERICA,
Respondent.

Case Nos.: 07-CV-02098-JF(LHK)
99-CR-20106-JF-2

**ORDER DIRECTING RESPONDENT
TO ANSWER**

On June 26, 2009, Judge Fogel issued an order denying Petitioner’s motion under 28 U.S.C. § 2255 to vacate, set aside, or correct Petitioner’s sentence. ECF No. 10. On September 29, 2010, the Ninth Circuit denied Petitioner’s request for a certificate of appealability. ECF No. 15.

On January 7, 2014, Petitioner filed a motion to reopen his § 2255 proceedings under Rule 60(b)(6) of the Federal Rules of Civil Procedure, arguing that the Supreme Court’s intervening decision in *Lafler v. Cooper*, 132 S. Ct. 1376 (2012), provides cause for the Court to order an evidentiary hearing in this case. No. 99-CR-20106-JF-2, ECF No. 219 at 4 (citing *United States v. Soto-Lopez*, 475 F. App’x 144 (9th Cir. 2012)).

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The Court hereby ORDERS Respondent to file an answer to Petitioner’s Rule 60(b) motion not exceeding ten (10) pages in length by April 29, 2015. Respondent’s answer should address the effect, if any, of Lafler and Soto-Lopez on Petitioner’s claim.

IT IS SO ORDERED.

Dated: January 29, 2015



LUCY H. KOH
United States District Judge