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E-FILED - 6/23/10

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

THIN EDWARD SOU,

Defendant/Movant.

NO. C-08-3072-RMW
Related Criminal Case: CR-03-20110-RMW

ORDER REQUIRING RESPONSE

Thin Edward Sou moves pursuant to 28 U.S.C. § 2255 to set aside his conviction and to be allowed to accept a 10-year pre-trial plea offer allegedly made by the government. Sou is currently serving a 240- month sentence imposed on October 28, 2005. The basis of his motion is that he was denied his Sixth Amendment right to the effective assistance of counsel when his trial counsel failed to: (1) advise him of a ten-year plea offer; (2) adequately advise him of the advantages of pleading guilty; (3) advise him to plead guilty; (4) adequately investigate relevant sentencing laws; and (5) convey the government's plea offer as it related to the superseding indictment.

Pursuant to Rule 4(b) of the Rules on § 2255 Proceedings, the United States Attorney is ordered to file an answer, motion or other response by July 23, 2010.

Date: 6/23/10



RONALD M. WHYTE

United States District Judge

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