

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
TINH HUY NGUYEN,
Defendant.

Case No. 16-CV-03543-LHK

**ORDER TO SHOW CAUSE RE:
JOHNSON CLAIM RAISED IN
SECTION 2255 MOTION**

Re: Dkt. No. 1

Before the court is the motion of Defendant Tinh Huy Nguyen (“movant”) for an order under 28 U.S.C. § 2255 to vacate, set aside or correct his sentence on the ground that his sentence has been rendered invalid by the Supreme Court’s holding in *Johnson v. United States*, 135 S. Ct. 2551 (2015). This *Johnson* claim appears colorable under 28 U.S.C. § 2255 and merits an answer from the government.

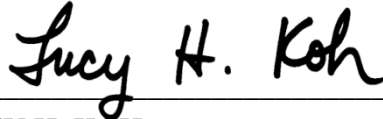
The following deadlines will apply, unless the parties submit a stipulation and order for a shorter briefing schedule: (1) within 75 days after the § 2255 motion was filed, the government shall file an opposition conforming in all respects to Rule 5 of the Rules Governing Section 2255 Proceedings, showing cause why the court should not “vacate, set aside or correct the sentence” being served by movant; (2) movant shall file a reply brief 45 days after the opposition is filed.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Thereafter, the matter will be deemed submitted on the papers, unless the court orders otherwise.

IT IS SO ORDERED.

Dated: June 29, 2016



LUCY H. KOH
United States District Judge