

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES OF AMERICA,

v.

Case No. 8:01-cr-190-23MAP  
8:05-cv-840-T-23MAP

GEOVANNI QUINTERO-RENDON,  
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**ORDER**

Quintero-Rendon's motion to vacate sentence pursuant to 28 U.S.C. § 2255 (Doc. 1) was initially dismissed (Doc. 3) because, according to the information in the motion, it was time-barred. In calculating the limitations period, the ninety-day period to file a petition for writ of certiorari was not counted, in accordance with *Clay v. United States*, 537 U.S. 522 (2003). Quintero-Rendon seeks reconsideration (Doc. 5) and provides an attachment showing that he actually filed a petition for writ of certiorari, which he did not disclose in his motion to vacate sentence. Based on the date of denial of his petition for certiorari (May 3, 2004), the motion to vacate sentence is not time-barred.

Accordingly, the motion for reconsideration (Doc. 5) is **GRANTED**. The prior order (Doc. 3) and judgment (Doc. 4) are **STRICKEN**.

ORDERED in Tampa, Florida, on June 12, 2005.

SA/ro



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**STEVEN D. MERRYDAY**  
**UNITED STATES DISTRICT JUDGE**