

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION**

DORIAN RAGLAND,

Movant,

vs.

UNITED STATES OF AMERICA.

No. C10-58-LRR  
No. CR06-01-LRR

**ORDER**

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The matter before the court is the Eighth Circuit Court of Appeals’s Mandate (docket no. 23), which was filed on July 28, 2014. In the Eighth Circuit’s June 23, 2014 Opinion (docket no. 21), the Eighth Circuit affirmed in part and remanded in part the court’s January 18, 2013 Order denying Dorian Ragland’s (“the movant”) motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255. January 18, 2013 Order (docket no. 13) at 8. In light of the Mandate and June 23, 2014 Opinion, the parties are **DIRECTED** to brief the remanded issues, specifically, (1) whether the rule that “a defendant cannot be liable under the penalty enhancement provision of 21 U.S.C. § 841(b)(1)(C) unless [the victim’s] use [of the drugs that the defendant distributed] is a but-for cause of the death or injury,” as articulated in *Burrage v. United States*, 571 U.S. \_\_\_, \_\_\_, 134 S. Ct. 881, 892 (2014), applies retroactively to the instant case and (2) “whether [the movant’s] substantive challenge faces any ‘significant procedural hurdles to its consideration on the merits,’” Eighth Circuit Court of Appeals’s June 23, 2014 Opinion at 7 (quoting *Bousley v. U.S.*, 523 U.S. 614, 621-22 (1998)). The briefing schedule is as follows:

- (1) The movant is directed to file a brief on the above issues on or before **August 29, 2014**.
- (2) The government is directed to file a response brief on or

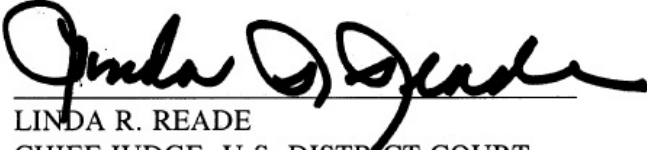
before **September 29, 2014**.

(3) If he so chooses, the movant is directed to file a reply brief on or before **October 14, 2014**.

The Clerk of Court is **DIRECTED** to appoint CJA Panel attorney Brent D. Rosenberg, the movant's counsel on appeal, to represent the movant in these proceedings.

**IT IS SO ORDERED.**

**DATED** this 28th day of July, 2014.



LINDA R. READE  
CHIEF JUDGE, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF IOWA