

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

TRACY ALLEN YOUNG,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

No. C 13-3054-MWB  
(No. CR 11-3030-MWB)

**ORDER**

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This case is before me on the parties' June 1, 2016, updated Stipulation (docket no. 65). On October 11, 2013, Young filed his Motion To Vacate, Set Aside, Or Correct Sentence Pursuant To 28 U.S.C. § 2255 (docket no. 1). The parties are familiar with the long procedural history which brought us to the March 28, 2016, status conference regarding the petitioner's Section 2255 Petition. At that status conference, the parties informed me that they agreed to narrow the issues before the court and would file a stipulation which would clarify which claims were withdrawn and which claims were uncontested and agreed upon. On May 20, 2016, the parties filed their Stipulation (docket no. 63). On June 1, 2016, the parties filed an updated Stipulation (docket no. 65), which is before me now. The first paragraph of the parties' updated Stipulation reads:

The United States and Petitioner agree that based upon the above undisputed facts, petitioner has met his burden to prove that his trial counsel was ineffective for failing to investigate his mental health and disability and to present evidence of that disability as a mitigating factor at sentencing, and that his failure was prejudicial. The United States withdraws its objection to a resentencing on this ground. Petitioner withdraws his other claims of ineffective assistance of counsel and that he was incompetent at the time of his guilty plea at sentencing.

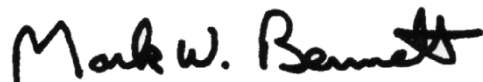
Stipulation of Parties 1. The remainder of the updated stipulation describes additional conditions and circumstances under which the parties have agreed to proceed to a resentencing, should I accept their proposed stipulation.

I find that adopting the parties' stipulation would be in the interests of justice and judicial economy. Thus, I **adopt the parties' June 1, 2016, Stipulation in its entirety**. Based upon the adoption of this stipulation in its entirety and in accordance to its terms, I hereby **grant** petitioner's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (docket no. 1). Petitioner's September 14, 2015, Motion to Expand the Record (docket no. 35) is hereby **rendered moot** by my adoption of this stipulation.

THEREFORE, pursuant to the parties' June 1, 2016, updated Stipulation, this case is scheduled for resentencing at **Thursday, June 16, 2016 at 11:00AM in Sioux City**. The United States Marshals Service is directed to transport petitioner Tracy Allen Young to appear personally for this resentencing hearing.

**IT IS SO ORDERED.**

**DATED** this 3rd day of June, 2016.



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MARK W. BENNETT  
U.S. DISTRICT COURT JUDGE  
NORTHERN DISTRICT OF IOWA