

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
EASTERN DIVISION

LAWRENCE JOHNSON,

Movant,

vs.

UNITED STATES OF AMERICA.

No. C14-2080-LRR  
No. CR11-2025-LRR

ORDER


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This matter appears before the court on Lawrence Johnson's motion for permission to expand or amend under Rule 7 of the Rules Governing Section 2255 Proceedings (civil docket no. 6). Lawrence Johnson ("the movant") filed such motion on May 12, 2015. The court recently extended the deadlines for the parties to file their briefs. The government now has until June 12, 2015 to file its merits brief and the movant now has until July 6, 2015 to file a reply. That amount of time is more than sufficient to brief the claims that are included in the movant's motion to vacate, set aside or correct sentence. And, it is more than sufficient for the movant to respond to defense counsel's affidavit by submitting his own affidavit, the affidavits of others, documentation, exhibits, argument and/or authority in support of his original claims. To the extent that the movant desires to amend his motion to vacate, set aside or correct sentence, the movant did not identify the two issues that he would like to advance. Moreover, the movant is unable to amend his motion to vacate, set aside or correct sentence by adding new claims because the applicable statute of limitation has run. *See United States v. Craycraft*, 167 F.3d 451, 457 (8th Cir. 1999) (concluding an otherwise untimely amendment to a 28 U.S.C. § 2255 motion does not relate back to a timely filed motion when the original claims are distinctly separate from the claims in the amendment); *see also Mandacina v. United States*, 328

F.3d 995, 999-1000 (8th Cir. 2003) (citing *Craycraft*, 167 F.3d at 457); *Moore v. United States*, 173 F.3d 1131, 1135 (8th Cir. 1999) (discussing *Craycraft*, 167 F.3d at 456-57). Nevertheless, if the two issues sufficiently relate back to the movant's original claims, he may submit any argument or authority by July 6, 2015. Accordingly, the motion for permission to expand or amend under Rule 7 of the Rules Governing Section 2255 Proceedings (civil docket no. 6) is granted in part and denied in part.

**IT IS SO ORDERED.**

**DATED** this 13<sup>th</sup> day of May, 2015.

  
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JON STUART SCOLES  
Chief Magistrate Judge  
UNITED STATES DISTRICT COURT