

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

RODNEY R. HAILEY :  
v. :  
: CIVIL NO. CCB-17-1297  
: Criminal No. CCB-11-0540  
UNITED STATES OF AMERICA :  
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:

**MEMORANDUM**

Federal prison inmate Rodney Hailey filed a motion pursuant to Fed. R. Crim. P. 52(b), which is being construed as a motion to vacate under 28 U.S.C. § 2255. The government filed an opposition, and Hailey filed a reply. The motion will be denied.

Hailey challenges his sentence on various grounds, primarily related to applicability of the sentencing guidelines. As explained by the government, most of his arguments already have been considered and rejected by the Fourth Circuit on direct appeal. *United States v. Hailey*, 563 F. App'x. 229 (4th Cir. 2014). Any argument not already litigated is procedurally defaulted and/or barred by the one-year statute of limitations. Hailey has offered nothing in his reply or in his letter dated July 20, 2017 to explain why equitable tolling should apply, or why Fed. R. Crim. P. 52(b) (which defines "plain error") provides any basis for relief.

Accordingly, no certificate of appealability will issue, and the motion will be denied by a separate Order which follows.

July 27, 2017

Date

/S/  
Catherine C. Blake  
United States District Judge