

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**
Southern Division

ANDRES ECHEVARRIA

*

Petitioner,

*

v.

Civil Case No.: GJH-16-2470

*

Crim Case No.: GJH-9-598

UNITED STATES OF AMERICA,

*

Respondent.

*

* * * * *

MEMORANDUM OPINION AND ORDER

On July 8, 2016, Petitioner filed a Motion to Vacate pursuant to 28 U.S.C. § 2255 claiming that he was entitled to release pursuant to the decision in *Johnson v. United States*, 135 S.Ct. 2251 (2015). ECF No. 819. Pursuant to 28 U.S.C. § 2255(f)(3), a 1-year statute of limitations runs from the date on which the right asserted was initially recognized by the Supreme Court. The Supreme Court issued its opinion in *Johnson* on June 26, 2015. Therefore, the deadline for Petitioner’s Motion was June 26, 2016. On that date, Petitioner filed a request for extension but did not provide sufficient justification and the request was never granted. Accordingly, Petitioner’s Motion is untimely.¹

Thus, it is hereby **ORDERED**, by the United States District Court for the District of Maryland, that:

1. The Government’s Motion to Dismiss, ECF No. 824, is **GRANTED**;
2. Petitioner’s Motion to Vacate, ECF No. 818, is **DENIED**; and

¹ Additionally, even a cursory review of the merits of this claim demonstrate that the *Johnson* decision would not impact Petitioner’s sentence.

3. The Clerk shall **close** GJH-16-2470.

Date: January 10, 2022

/s/
GEORGE J. HAZEL
United States District Judge