

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

KYLE WAYNE BRASHEAR,)	
)	
Petitioner,)	
)	
v.)	Case No. 1:14CV00176 AGF
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM

This matter is before the Court on a post-judgment letter sent to the Court by Petitioner. Petitioner filed this action pro se on December 5, 2014, under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence of 151 months’ imprisonment imposed on July 21, 2014, upon his guilty pleas to a drug offense and to possession of a firearm as a felon. On February 6, 2015, the government filed its response to the motion. On March 24, 2015, the Court issued a Memorandum and Order, and Judgment denying the motion. The Court concluded that Petitioner’s claims of ineffective assistance of plea counsel were refuted by the record and thus without merit.

On March 30, 2015, the Court received a notice of change of address, as well as a letter from Petitioner dated March 20, 2015 (in an envelope post-marked March 26, 2015). In the letter, Petitioner states that he received a copy of the government’s response to his § 2255 motion on February 18, 2015, and on February 24, 2015, his legal file connected to this action (including his motion for discovery and presentence

investigation report in the underlying criminal case, and the government's response in this case) had been confiscated by prison officials; and even though "a few weeks later" he had been cleared of any wrongdoing, his legal file had not yet been returned as it should have been. Petitioner states that without his legal file he could not prepare a traverse, and asks the Court how he might request a continuance.

The Court sees no basis in the letter for vacating the Court's Memorandum and Order and Judgment entered on March 24, 2015, a full six weeks after the government's response. Petitioner does not explain why he waited until March 20, 2015, to notify the Court that he would like to file a traverse and would like to request additional time for doing so, when his legal file was confiscated on February 24, 2015. Nor does Petitioner's letter identify any substantial arguments he would raise in any traverse.

Accordingly,

IT IS HEREBY ORDERED that, to the extent Petitioner is requesting additional time or relief, that request is **DENIED**. (Doc. No. 9)

IT IS FURTHER ORDERED that the Clerk of Court shall send a copy of the Court's Memorandum and Order and Judgment filed on March 24, 2015 (Doc. Nos. 6 and 7) to Petitioner at the address recently provided to the Court. The Clerk of Court shall also serve a copy of this Order on Petitioner at the same address.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 1st day of April, 2015.