

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

STEVE WINTERS,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

No. 1:15-CV-242-CEJ

ORDER

Before the court is the movant's motion to vacate, set aside, or correct sentence filed pursuant to 28 U.S.C. § 2255. Movant seeks relief based on the recent decision of the United States Supreme Court in *Johnson v. United States*, 135 S.Ct. 2551 (2015).

On August 14, 2015, the court entered an Administrative Order, styled *In Re: Johnson v. United States*. Pursuant to the Administrative Order, the court will forward motion to the Office of the Federal Public Defender for the Eastern District of Missouri, and provide the Federal Public Defender forty-five (45) days to review the motion and defendant's criminal history in order to determine whether defendant may be eligible for a sentence reduction under *Johnson*. In order to facilitate this process, the court has issued a separate Administrative Order, authorizing the Clerk of Court and the United States Probation Office to provide to the Office of the Federal Public Defender and to the Office of the United States Attorney records in their possession, including sealed records from the court file, regarding the defendant's criminal history. This authorization does not permit the disclosure of sentencing recommendations or statements of reasons for sentence.

If the Federal Public Defender's Office believes that defendant may be eligible for relief under *Johnson*, then it will have forty-five (45) days from the date of this Order in which to file either an amended motion to vacate under 28 U.S.C. § 2255 or a request in the United States Court of Appeals for leave to bring a successive § 2255 motion, if such is required by 28 U.S.C. § 2244(b)(3).

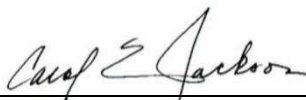
Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court is directed to forward a copy of the defendant's motion [Doc. # 1] to the Office of the Federal Public Defender for the Eastern District of Missouri.

IT IS FURTHER ORDERED that, within forty-five (45) days of the date of this Order, the Federal Public Defender shall file either (1) an amended motion to vacate brought pursuant to 28 U.S.C. § 2255 or (2) a request in the United States Court of Appeals for leave to bring a successive § 2255 motion, if such is required by 28 U.S.C. § 2244(b)(3).

IT IS FURTHER ORDERED that the court will hold this matter in abeyance for forty-five (45) days.

Dated this 4th day of January, 2016.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE