

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

DARNELL WESLY MOON,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 1:16 CV 106 RWS
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**

On May 23, 2016, Petitioner Darnell Moon filed a motion to vacate pursuant to 28 U.S.C. § 2255. On July 15, 2016, Respondent filed a response to the motion. On August 9, 2016, Moon filed a motion seeking an extension of time up to September 15, 2016 to file a reply to Respondent’s response. I granted that motion. Moon never filed a reply. I carefully reviewed Moon’s motion to vacate and found it to be without merit. On October 21, 2016, I entered an order which denied Moon’s motion to vacate. The order granting an extension of time and the order dismissing the motion to vacate were both sent to an address at a halfway house Moon provided to the Court: 334 Tanglewood Court, Nashville, TN 37211.

On November 29, 2016, Moon filed a motion to vacate my dismissal of his motion to vacate. Moon asserts that he left the halfway house on October 15, 2016 “due to circumstances beyond his control.” He was picked up the United States Marshals and is now in custody at the Grayson County Detention Center in

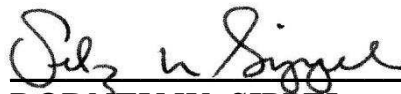
Leitchfield, Kentucky.

Moon's decision to leave the custody of the halfway house has consequences. Moon's failure to file a reply brief as directed by the Court was caused by Moon's own actions. By his own actions Moon has forfeited his opportunity to file a reply brief.

More importantly, Moon's motion to vacate is **completely without merit**. There is no reason to prolong this matter given Moon's baseless grounds for relief in his motion to vacate.

Accordingly,

**IT IS HEREBY ORDERED that** Petitioner Darnell Moon's motion to vacate the dismissal of his motion vacate, set aside, or correct his sentence [10] is **DENIED**.



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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of December, 2016.