

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

WILLIE E. BOYD,)
)
Petitioner,)
)
vs.) Case No. 4:16CV02148 ERW
)
)
UNITED STATES OF AMERICA,)
)
)
Respondent.)

MEMORANDUM AND ORDER

This matter comes before the Court on Petitioner Willie E. Boyd's Motion Request for Status Update on the Resentence Report [ECF No. 9] and Petitioner's Motion Waiving Resentencing Hearing, and/or Telephone Conference [ECF No. 10].

Petitioner requests the Court issue an order to the United States Probation Office for a status update in regards to his resentencing report and submit an amended scheduling order to shorten the deadlines. On April 11, 2017, the United States Probation Office filed Petitioner's resentencing report. The Government is responsible for responding to an overwhelming number of cases filed requesting relief pursuant to *Johnson v. United States*. 135 S. Ct. 2251 (2015). Fourteen days to file a response to the resentencing report and an additional fourteen days to file a response to the Motion to Vacate is not an unreasonably long time period for the Government to respond. Therefore, the Court will not amend the scheduling deadlines.

As for Petitioner's request to waive a resentencing hearing or telephone conference, the Court will hold this motion in abeyance until a determination has been made as to whether Petitioner is entitled to a resentencing.

Accordingly,

IT IS HEREBY ORDERED that Petitioner Willie E. Boyd's Motion Request for Status Update on the Resentence Report [ECF No. 9] is **DENIED**.

IT IS FURTHER ORDERED that Petitioner Willie E. Boyd's Motion Waiving Resentencing Hearing, and/or Telephone Conference [ECF No. 10] will be **held in abeyance**.

So Ordered this 12th day of April, 2017.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE