

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

JUN 20 2017

Clerk, U.S. District Court
District Of Montana
Billings

UNITED STATES OF AMERICA,

Cause No. CR 10-100-BLG-SPW

Plaintiff/Respondent,

vs.

ORDER

JEROME DANIEL MANCUSO,

Defendant/Movant.

JOHN DOE,

Cause No. CV 16-108-BLG-SPW

Petitioner,

vs.

ORDER

UNITED STATES OF AMERICA,

Respondent.

This case comes before the Court on Defendant/Movant Mancuso's petition for writ of error *coram nobis* or *audita querela*. On June 7, 2017, an order was issued advising Mancuso that he could not proceed anonymously and that he must proceed, if at all, under 28 U.S.C. § 2255. On June 16, 2017, Mancuso notified the Court that he agreed to recharacterization of his petition.

While the Court has already determined that Mancuso's pleading states a claim on which relief may be granted and is not untimely, *see* Order (Doc. 8), *Doe*,

No. CV 16-108-BLG-SPW (D. Mont. June 7, 2017), an answer will not be required at this time. Two cases raising issues of belated discovery of potentially exculpatory information, and specifically concerning the materiality of the undisclosed information, are pending before the United States Supreme Court. *See Turner v. United States*, No. 15-1503 (U.S. argued Mar. 29, 2017); *Overton v. United States*, No. 15-1504 (U.S. argued Mar. 29, 2017). Decisions are likely to be issued soon. Rather than generating additional questions as to whether the pleadings need to be amended or whether they have adequately presented or preserved various arguments, the better course is to stay the proceedings until both parties have the benefit of the Supreme Court's decisions. When decisions are issued in those cases, the Court will lift the stay and enter another order.

Accordingly, IT IS HEREBY ORDERED:

1. The clerk shall file the petition (Doc. 1) in *Doe*, No. CV 16-108-BLG-SPW, as a motion to vacate, set aside, or correct the sentence under 28 U.S.C. § 2255 in the criminal case, *United States v. Mancuso*, No. CR 10-100-BLG-SPW. A new civil file will be opened for administrative purposes only, and the current civil file, No. CV 16-108-BLG-SPW, shall be closed.
2. Proceedings on the § 2255 motion are STAYED pending decisions in *Turner v. United States*, No. 15-1503 (U.S. argued Mar. 29, 2017), and *Overton v. United States*, No. 15-1504 (U.S. argued Mar. 29, 2017). Shortly after those cases

are decided, the Court will issue another order in this case.

DATED this 18th day of June, 2017.



SUSAN P. WATTERS
United States District Judge