

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Daniel Riley

v.

NH Civil Case No. 1:12-cv-47-GZS

United States of America

ORDER ON NONCONFORMING DOCUMENT  
IN ACCORDANCE WITH LOCAL RULE 5.2

DOCUMENT/FILER: #17, Second Motion to Amend [1] Motion to Vacate Sentence - § 2255 Motion  
filed by Daniel Riley

DATE: July 12, 2012

The document above fails to comply with: LR 15.1(a) & (b).

(a) Motions. A party who moves to amend a filing shall (i) attach the proposed amended filing to the motion to amend, (ii) identify in the motion or a supporting memorandum any new factual allegations, legal claims, or parties, and (iii) explain why any new allegations, claims, or parties were not included in the original filing.

(b) Amended Pleadings. Any amendment to a pleading, whether filed as a matter of course or upon a motion to amend, shall reproduce the entire filing as amended and may not incorporate any prior filing by reference, except by leave of court.

The document will remain on file. Unless a document curing the defect is filed by July 30, 2012, the original document will be treated as withdrawn and will not be ruled upon by a judicial officer.

Riley has filed two conforming motions to amend within the same twenty-four hour period. If he wants the Court to rule on his motion to amend he must set forth ALL OF HIS CLAIMS in ONE proposed amended petition under § 2255, including both his original claims and any new claims, and the Court will then rule on that motion to amend, which must have the proposed amended pleading attached to it. If Riley ultimately files a single motion to amend that conforms to this Court's pleading requirements and the Court ultimately grants the motion to amend, the Court will set a new date for the Government's response. The Government will not be expected to respond to the motion to amend until

a conforming pleading has been filed. Once the Court rules on the motion to amend after allowing time for the Government's response to that motion, the September 10, 2012, deadline for response to the entire petition will have to be adjusted because the Government cannot be expected to respond until the movant has finalized his pleadings and the Court has allowed or disallowed amendment.

SO ORDERED.

July 13, 2012

/s/ Margaret J. Kravchuk  
U.S. Magistrate Judge

cc: Daniel Riley, pro se  
Seth R. Aframe, AUSA