

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIREAngel Baez-Gil

v.

Civil No. 12-cv-266-JL

United States of America**ORDER**

Petitioner's counsel modestly suggests that he "unnecessarily cabined" petitioner's claim as one for ineffective assistance. But, as the prosecution points out, petitioner's claim necessarily had to be brought as one for ineffective assistance due to petitioner's failure to make his "core argument" that the crime of conviction was "not legally cognizable" in the underlying criminal proceeding. At the very least, the petitioner's motion does not explain why petitioner's failure to make that argument earlier does not result in a procedural bar. See, e.g., [Awon v. United States](#), 308 F.3d 133, 142 (1st Cir. 2002). On or before **July 23, 2013**, the petitioner shall make a filing showing cause why the proposed claim should not be dismissed as procedurally barred.

**SO ORDERED.**

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Joseph N. Laplante  
United States District Judge

Dated: July 2, 2013

cc: Mark E. Howard, Esq.  
Donald A. Feith, Esq.