

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

|                           |   |                             |
|---------------------------|---|-----------------------------|
| WILLIAM BARKSDALE,        | : |                             |
|                           | : |                             |
| Petitioner,               | : | Civ. No. 15-2399 (RBK)      |
|                           | : |                             |
| v.                        | : |                             |
|                           | : | <b>MEMORANDUM AND ORDER</b> |
| UNITED STATES OF AMERICA, | : |                             |
|                           | : |                             |
| Respondent.               | : |                             |
|                           | : |                             |

On April 6, 2015, this Court received from petitioner a *pro se* motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. However, petitioner was also proceeding through counsel with a § 2255 in another case. (*See* Civ. No. 15-1349.) Both Civ. 15-1349 and this case, Civ. No. 15-2399, attack the same conviction.

On April 10, 2015, this Court ordered that petitioner’s § 2255 motion in this case be re-docketed as a motion to amend his pending counseled § 2255, Civ. No. 15-1349.<sup>1</sup> Accordingly, this case, Civ. No. 15-2399, was closed. Currently pending before the Court in this action is petitioner’s counseled motion to amend/correct his sentence which was filed on June 25, 2015. (Dkt. No. 9.) Accordingly, the Clerk will be ordered to reopen this case so that the motion can be ruled upon.

Petitioner’s motion to amend is not properly brought under this Civil Action Number. Indeed, as previously described, petitioner is proceeding through his counsel in Civ. No. 15-1349, and it appears that matter is now fully briefed. Furthermore, it appears that petitioner’s counsel filed a reply to the government’s answer in Civ. No. 15-1349 that is identical to his

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<sup>1</sup> That motion to amend was denied as petitioner was not entitled to “hybrid” representation such that the Court was not obligated to consider petitioner’s *pro se* filings in Civ. No. 15-1349.

motion to amend in this case. To the extent that petitioner may wish to amend his § 2255 motion, he must do so in Civ. No. 15-1349, not this previously closed case. Thus, the motion to amend will be denied without prejudice.

Accordingly, IT IS this 9th day of July, 2015,

ORDERED that the Clerk shall reopen this case; and it is further

ORDERED that petitioner's motion to amend (Dkt. No. 9.) is denied without prejudice; and it is further

ORDERED that the Clerk shall re-close this case.

s/Robert B. Kugler  
ROBERT B. KUGLER  
United States District Judge