

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

MARCOS SANTIAGO,	:	
	:	
Petitioner	:	Civ. No. 16-3900 (RMB)
	:	
v.	:	MEMORANDUM AND ORDER
	:	
UNITED STATES OF AMERICA,	:	
	:	
Respondent	:	
	:	

This matter comes before the Court upon the request of Petitioner's counsel to withdraw from representation in this proceeding under 28 U.S.C. § 2255. (Letter Request, ECF No. 6.) Petitioner, represented by counsel, protectively filed a motion to vacate, set aside or correct sentence under 28 U.S.C. § 2255 in this Court on June 22, 2016, and the Court stayed the case. (2255 Mot., ECF No. 1; Order, ECF No. 4.)

On May 23, 2016, Petitioner, represented by counsel, filed an Application for Leave to File a Second or Successive Petition, pursuant to 28 U.S.C § 2244(B), in the Third Circuit Court of Appeals. (Second or Successive Motion to Correct Sentence Under 28 U.S.C. § 2255, ECF No. 1 at 6.) Petitioner sought to vacate and correct his sentence based on the Supreme Court's June 26, 2015 decision in Johnson v. United States, 135 S. Ct. 2551 (2015),

invalidating the residual clause of the Armed Career Criminal Act. (Id.) The Third Circuit stayed the case. (Id.)

While Petitioner's application was pending in the Third Circuit, Petitioner and his counsel had a complete break-down in their attorney-client relationship, and the Third Circuit granted counsel's motion to withdraw. (Letter Request, ECF No. 6.) On August 27, 2019, the Third Circuit granted Petitioner's Application for Leave to File a Second or Successive Habeas Corpus Petition under § 2255, Order Re. Applications for Leave to File Second or Successive Habeas Corpus Petitions Pursuant to 28 U.S.C. § 2244(B) Involving Challenges to 18 U.S.C. §924(c), No. 16-2529 (3d Cir. Aug. 27, 2019) (citing footnote 2 in In re Michael Matthews, et al., 934 F.3d 296 (3d Cir. 2019)). The Court lifted the stay in this matter on October 10, 2019, and directed Petitioner to file a supplemental brief in support of his § 2255 motion. (Order, ECF No. 6.)

Local Civil Rule 102.1 provides that unless other counsel is substituted, no attorney may withdraw an appearance except by leave of Court. For good cause shown, Petitioner's counsel may withdraw from representation and Petitioner may proceed *pro se*.

IT IS therefore on this **16th day of October 2019,**

ORDERED that Julie A. McGrain, Assistant Federal Public Defender, may withdraw from representation in this matter; and it is further

ORDERED that Petitioner shall file *pro se* a supplemental brief in support of his § 2255 motion in this Court, within 30 days of the date of entry of this Order, addressing United States v. Davis, 139 S. Ct. 2319 (June 24, 2019); and it is further

ORDERED that Respondent shall file an answer to Petitioner's § 2255 motion within 45 days of the date of entry of Petitioner's supplemental brief in support of the § 2255 motion; and it is further

ORDERED that Petitioner may file a reply to Respondent's answer within 45 days of the date of entry of Respondent's Answer; and it is further

ORDERED that the Clerk shall serve a copy of this Memorandum and Order on Petitioner by regular U.S. mail.

s/Renée Marie Bumb
RENÉE MARIE BUMB
UNITED STATES DISTRICT JUDGE