IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

David Hill , Petitioner, v. United States of America, Respondent,	Civil No.09-5728 (KSH)

NOTICE AND ORDER

You have filed a pro se pleading challenging your federal conviction and incarceration. The Third Circuit Court of Appeals has recently decided the case of United States v. Miller, 197 F.3d 644 (3d Cir. 1999). Pursuant to that decision, this is to advise you as follows:

1. You may have your pleading ruled upon as filed; or

2. You may have your pleading re-characterized as a Section 2255 motion and heard as such. If you do, however, you will lose your ability to file a second or successive pleading absent Certification by the Court of Appeals; or

3. You may withdraw your pleading and file an all inclusive Section 2255 Petition subject to the one (1) year period described by the Antiterrorism Effective Death Penalty Act [AEDPA] in 28 U.S.C. § 2255.

You have forty-five (45) days from today's date within which to advise the Court as to your decision. If you fail to notify the Court, your pleading and motion will be ruled upon as filed.

SO ORDERED:

Dated: 11/24/09

/s/ Katharine S. Hayden
Katharine S. Hayden
U.S. District Judge

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