

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

WAYNE PUFF)
)
 Plaintiff,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
)
 Defendant.)

Civil Action No.: 11-072 (JLL)

NOTICE AND ORDER

TO: WAYNE PUFF, #29375050
 FCI Beaumont Low
 P.O. Box 26020
 Beaumont, TX 77720

You have filed a pro se pleading challenging your federal sentence. The Third Circuit Court of Appeals has decided the case of United States v. Miller, 197 F.3d 644 (3d Cir. 1999). Pursuant to that decision, this is to advise you that under federal law, a person seeking relief in federal court from confinement resulting from conviction in that court must include in a single petition under 28 U.S.C. §2255, all potential claims for which he or she desires to seek review and relief, because a second or successive habeas petition under Section 2255 must be dismissed unless certain very specific and rare circumstances exist, see 28 U.S.C. §2244. Therefore, please note that:

- a. You may have your pleading ruled upon as filed; or
- b. You may have your pleading recharacterized 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
- c. 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 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.

DATED: May 9, 2011

/s/ Jose L. Linares
 JOSE L. LINARES, U.S.D.J.

