

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

LUIS R. MORALES,	:	
	:	Civil Action No. 12-6063 (WHW)
Petitioner,	:	
	:	
v.	:	
	:	
UNITED STATES OF AMERICA,	:	
	:	<u>ORDER</u>
Respondent.	:	
	:	

Petitioner submitted a Section 2255 motion, see ECF No. 1, and – being provided with a United States v. Miller, 197 F.3d 644 (3d Cir. 1999), notice, see ECF No. 5, filed his supplemental pleading. See ECF No. 8. The Court then directed Respondent to answer Petitioner’s challenges. See id. ECF No. 9. Respondent complied, see id. ECF No. 10, filing an extensive answer asserting that all Petitioner’s challenges were wholly meritless. See id. Being served with the answer, Petitioner did not traverse. See generally, Docket. Mindful of the Court of Appeals’ guidance in Staton v. Hendricks, USCA Index No. 05-4585 (3d Cir.), ECF dated May 7, 2007, the Court finds it warranted to expressly notify Petitioner of his right to traverse to Respondent’s answer prior to this Court’s final disposition of this matter.

IT IS, therefore, on this 14th day of May, 2014,

ORDERED that, if Petitioner so wishes, he may file and serve upon Respondent his traverse to Respondent’s answer provided that the traverse is: (a) filed and served within thirty days from the date of entry of this Memorandum Opinion and Order; and (b) limited to the claims raised in Petitioner’s original and supplemental § 2255 pleadings; and it is further

ORDERED that, if Petitioner does not file and serve his traverse in accordance with the terms of this Memorandum Opinion and Order, his opportunity to traverse would be deemed conclusively waived without further notice; and it is further

ORDERED that, if Petitioner timely files and serves his traverse, Respondent may, if Respondent so desires, file and serve upon Petitioner Respondent's sur-reply. Such sur-reply shall be filed and served within fifteen days from the date of Respondent being served with Petitioner's traverse; and it is further

ORDERED that, if the Clerk does not receive Respondent's sur-reply in accordance with the terms of this Memorandum Opinion and Order, Respondent's opportunity to sur-reply would be deemed conclusively waived without further notice; and it is further

ORDERED that the Clerk shall serve this Memorandum Opinion and Order upon Respondent by means of electronic delivery and upon Petitioner by regular U.S. mail.

/s/ William H. Walls
United States District Judge