

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RONALD B. BASSETT,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil Action No.: 15-2074 (WHW)

ORDER

A Motion to vacate, set aside, or correct sentence having been filed in the above action, pursuant to 28 U.S.C. § 2255, and Petitioner having declared under penalty of perjury that the motion includes all grounds for relief;

IT IS on this 23 day of June, 2015

ORDERED that the Clerk of the Court shall serve a copy of the Motion, this Order, and all other documents docketed in this matter upon Respondent by electronic filing, with all costs of service advanced by the United States; and it is further

ORDERED that, in accordance with Rule 4 of the Rules Governing Section 2255 Proceedings for the United States District Courts, this Court has examined the Motion and determined that dismissal prior to submission of an answer and the record is not warranted; and it is further

ORDERED that Respondent shall file a full and complete answer to all claims asserted in the Motion within 30 days of the entry of this Order; and it is further

ORDERED that Respondent's answer shall respond to the factual and legal allegations of the Motion by each paragraph and subparagraph, see Rule 5 of the Rules Governing Section 2255 Proceedings; and it is further

ORDERED that Respondents shall raise by way of answer any appropriate defenses which they wish to have the Court consider, including, but not limited to, exhaustion and timeliness, and also including, with respect to the asserted defenses, relevant legal arguments with citations to appropriate legal authority; all non-jurisdictional affirmative defenses subject to waiver not raised in Respondents' answer or at the earliest practicable moment thereafter will be deemed waived; and it is further

ORDERED that Respondent's answer shall address the merits of each claim raised in the Motion as to whether the Petitioner has made a substantial showing of the denial of a constitutional right justifying issuance of a certificate of appealability, *see* 28 U.S.C. § 2253(c)(2); and it is further

ORDERED that the answer shall indicate what transcripts (of pre-trial, trial, sentencing, or post-conviction proceedings) are available, when they can be furnished, and what proceedings have been recorded but not transcribed; and it is further

ORDERED that Respondent shall attach to the answer such parts of the transcript as Respondent considers relevant, *see* Rule 5(c) of the Rules Governing § 2255 Proceedings; and it is further

ORDERED that Respondent shall file with the answer a copy of: (1) any brief that Petitioner submitted in a trial or appellate court relating to the issues raised in the Motion; (2) any brief that the prosecution submitted in a trial or appellate court relating to the issues raised in the

Motion, and (3) the opinions and dispositive orders relating to the issues raised in the Motion; and it is further

ORDERED that the answer shall contain an index of exhibits; and it is further

ORDERED that Respondent shall electronically file the answer, the exhibits, and the list of exhibits; and it is further

ORDERED that all exhibits to the Answer must be identified by a descriptive name in the electronic filing entry, for example:


“Exhibit #1 Transcript of [type of proceeding] held on XX/XX/XXXX” or

“Exhibit #2 Opinion entered on XX/XX/XXXX by Judge YYYY”;

and it is further

ORDERED that Petitioner may file and serve a reply to the answer within 30 days after Respondent files the answer, see Rule 5(e) of the Rules Governing § 2255 Proceedings; and it is finally

ORDERED that, within 7 days after any change in Petitioner’s custody status, be it release or otherwise, Respondent shall electronically file a written notice of the same with the Clerk of the Court.



WILLIAM H. WALLS

Senior United States District Judge