

UNITED STATES DISTRICT COURT  
 DISTRICT OF NEW JERSEY

ANDREW DEDONA,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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CIVIL ACTION NO. 08-2046 (MLC)

**O R D E R**

This matter coming before the Court upon its own review of the docket; and it appearing that a motion for relief under 28 U.S.C. § 2255 has been filed commencing this case as of April 28, 2008; and Petitioner having been afforded notice pursuant to United States v. Miller, 197 F.3d 644 (3d Cir. 1999) by Notice and Order filed herein on May 20, 2008; and Petitioner having been afforded a second Miller notice on August 13, 2008; and Petitioner having filed an Amended Section 2255 Motion on September 29, 2008; and Petitioner having filed a "Motion to Expedite 2255 Motion" on December 10, 2008, and a similar motion on March 6, 2009; and the Court having issued an Order on February 6, 2009, directing Respondent to file an answer to the Amended Section 2255 Motion within 45 days; and Respondent having filed a motion to dismiss on March 3, 2009, arguing that the motion for relief under 28 U.S.C. § 2255 was procedurally barred because it was filed after the one-year statute of limitations and because Petitioner provided no reasons why the limitations

period should be equitably tolled, but Respondent adding that if so directed, it would also file an answer addressing the points raised in the Amended Section 2255 Motion; and the Court observing that some of the points raised by Petitioner are allegedly jurisdictional or structural; and the Court determining that Respondent should file one comprehensive answer addressing all points raised in Petitioner's Amended Section 2255 Motion, as well as Respondent's timeliness argument; and the Court having considered the pending motions filed by Petitioner and Respondent;

**IT IS** on this 1st day of June, 2009, **ORDERED** that Respondent shall file an answer that responds to the allegations of the Amended Section 2255 Motion, which may also include Respondent's timeliness argument, said answer to be filed within 45 days of the entry of this Order; and it is

**FURTHER ORDERED** that **PETITIONER MAY FILE A REPLY** within 30 days after his receipt of Respondent's answer; and it is

**FURTHER ORDERED** that all pending motions (dkt. entry nos. 7, 11, and 13) are **DENIED WITHOUT PREJUDICE**; and the parties are directed to file no further motions. The Amended Section 2255 Motion will be ruled upon when the foregoing pleadings are complete.

s/ Mary L. Cooper  

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MARY L. COOPER  
United States District Judge