

IN THE UNITED STATES DISTRICT COURT**FOR THE DISTRICT OF NEW MEXICO**

GAVIN YEPa,

Petitioner,

v.

No. 20-cv-1092 WJ-KBM
12-cr-0163 WJ-KBM

UNITED STATES OF AMERICA,

Respondent.

ORDER TO SHOW CAUSE

This matter is before the Court follow the Government's failure to respond to Gavin Yepa's 28 U.S.C. § 2255 motion as directed. By a Memorandum Opinion and Order entered July 21, 2021, the Court (Hon. William Johnson) screened Yepa's § 2255 motion and determined it may be time-barred. (CV Doc. 4) (Screening MOO). Pursuant to local procedure, the Clerk's Office placed a copy of Yepa's § 2255 motion and the Screening MOO in the Government's in-box in July, 2021. The Screening MOO fixed deadlines for Yepa to file a show-cause response and for the Government to file a reply. The reply deadline was extended through December 21, 2021. (CV Doc. 9). The Government has not complied or entered an appearance in the civil habeas case.

Accordingly, IT IS ORDERED that within twenty-one (21) days of entry of this Order, the Government shall file a reply addressing timeliness and Yepa's show-cause response (CV Doc. 10) or show cause why the § 2255 motion should not be granted.

IT IS FURTHER ORDERED that the Clerk's Office shall **FORWARD** this Order to the United States Attorney's Office, ATTN: Niki Tapia-Brito.


UNITED STATES MAGISTRATE JUDGE