

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

CHRISTOPHER A. APALATEGUI,

Petitioner,

v.

No. 2:17-cv-00755 RB-KRS
2:12-cr-02903 RB

UNITED STATES OF AMERICA,

Respondent.

ORDER TO ANSWER

Before the Court is Petitioner's Amended Motion to Vacate, Set Aside, or Correct Sentence Under 28 U.S.C. § 2255 [CV Doc. 1; CR Doc. 59]. This is Mr. Apalategui's second § 2255 habeas corpus petition. By an order entered July 14, 2017, the Tenth Circuit Court of Appeals granted him authorization to file a second § 2255 motion to raise a claim based on *Johnson v. United States*, 135 S. Ct. 2551 (2015) [CR Doc. 60]. Having reviewed the motion *sua sponte* under Habeas Corpus Rule 4, the Court determines it survives screening and will direct the United States to respond.

It is therefore **ORDERED** that the Clerk is directed to forward copies of this Order and the amended motion [CV Doc. 1; CR Doc. 59] to the Respondent;

It is further **ORDERED** that the Respondent must answer the motion within twenty-three (23) days of entry of this Order.



UNITED STATES MAGISTRATE JUDGE