



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

October 17, 2022

BY CM/ECF

The Honorable Richard J. Sullivan
United States Circuit Judge
Southern District of New York
500 Pearl Street
New York, New York 10007


Re: *United States v. John Johnson*, 11 Cr. 487 (RJS), 15 Civ. 3956 (RJS)

Dear Judge Sullivan:

The Government writes to update the Court regarding the defendant John Johnson's pending successive motion under 28 U.S.C. § 2255. The parties have conferred and believe that the Second Circuit's decision in the pending case, *United States v. Savoca*, 20-1502, will have direct bearing on the legal issues presented by Mr. Johnson's petition, specifically, whether Mr. Johnson's claims are cognizable in a successive Section 2255 motion. In *Savoca*, the defense filed its petition for rehearing/rehearing *en banc* on July 21, 2022, and the petition was fully briefed as of October 14, 2022. Therefore, the parties ask the Court to stay any further briefing and decision on Mr. Johnson's petition until after a decision is reached in *Savoca*. The Government is aware of at least two other successive Section 2255 petitions in this District that raise similar issues that have been stayed pending *Savoca*: *United States v. Rivera*, No. 12 Cr. 169 (CS), 16 Civ. 4983 (CS), and *United States v. Melo*, No. 07 Cr. 1150 (VM), 11 Civ. 1592 (VM).

The Court is in receipt of the parties' letter jointly requesting a stay of Defendant John Johnson's successive habeas petition pending the Second Circuit's decision in *United States v. Savoca*, 20-1502. Because the Court finds that *Savoca* bears on the disposition of this case, IT IS HEREBY ORDERED THAT Defendant John Johnson's petition is stayed pending the Second Circuit's decision in *Savoca*. IT IS FURTHER ORDERED THAT the parties shall submit a joint letter addressing the status of *Savoca* and the continuing need for a stay no later than January 20, 2023, or within 48 hours of the issuance of the decision in *Savoca*, whichever comes first.

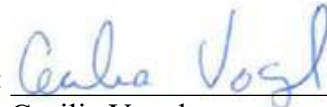
SO ORDERED.
October 19, 2022


RICHARD J. SULLIVAN
U.S.C.J., Sitting by Designation

Respectfully submitted,

DAMIAN WILLIAMS
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by:


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