

**THE UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF NORTH CAROLINA
 ASHEVILLE DIVISION
 CIVIL CASE NO. 1:12-cv-56-MR
 [CRIMINAL CASE NO. 1:09-cr-87-MR-1]**

CHAD STEVEN HUMPHRIES,)	
)	
Petitioner,)	
)	
vs.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
_____)	

THIS MATTER is before the Court on Petitioner’s Motion under 28, United States Code, Section 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody [Doc. 1].

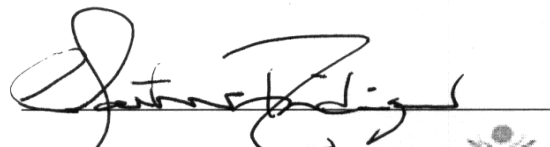
The Court has conducted an initial screening of the petition under Rule 4(b) of the Rules Governing § 2255 Proceedings for the United States District Courts and finds: (1) the petition has been signed under penalty of perjury, Rule 2(b)(5), Rules Governing § 2255 Proceedings; (2) that Petitioner has argued that the petition is timely under 28 U.S.C. § 2255(f) because it was filed within one year of United States v. Simmons, 649 F.3d 237 (4th Cir. 2011); and (3) Petitioner has asserted a colorable claim for relief cognizable under § 2255(a). Upon consideration of the motion and the record of prior

proceedings, the Court determines that the United States Attorney should file a response to Petitioner's allegations. The Court will direct that the United States file an Answer or other responsive pleading in this case within sixty (60) days.

IT IS, THEREFORE, ORDERED that no later than sixty (60) days from the entry of this Order, the United States Attorney shall file an Answer or other responsive pleading to Petitioner's Motion to Vacate, Set Aside, or Correct Sentence.

IT IS SO ORDERED.

Signed: October 19, 2012


Martin Reidinger
United States District Judge

