

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:07-cv-373-FDW  
3:03-cr-55-FDW-DCK-1**

**ANDREW TIMOTHY JONES,** )  
 )  
 **Petitioner,** )  
 )  
 **vs.** )  
 )  
 **UNITED STATES OF AMERICA,** )  
 )  
 **Respondent.** )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on *pro se* Petitioner’s “Motion to Re-Open and/or Reconsider,” (Doc. 22), with regards to the Order denying his Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody under 28 U.S.C. § 2255. See (Doc. No. 12).

Petitioner filed his § 2255 Motion to Vacate in the instant case on August 28, 2007. (Doc. No. 1). The Court denied § 2255 relief and granted the Government’s Motion for Summary Judgment on December 17, 2007. (Doc. No. 12). The Fourth Circuit Court of Appeals denied a certificate of appealability and dismissed Petitioner’s appeal on June 26, 2008. United States v. Jones, 282 Fed. Appx. 275 (4<sup>th</sup> Cir. 2008). Petitioner filed the instant Motion based on Rule 60(b) of the Federal Rules of Civil Procedure nearly a decade later on May 15, 2018. (Doc. No. 22).

Petitioner will be required to file a Memorandum Addressing Limitations within **14 days** of this Order explaining why his Rule 60(b) Motion is not time-barred. See generally United States v. McRae, 793 F.3d 392, 401 (4<sup>th</sup> Cir. 2015) (noting that the Rule 60(b)’s time limit is an affirmative defense). Petitioner’s failure to comply may result in the denial of the Rule 60(b) Motion without further notice.

**IT IS, THEREFORE, ORDERED** that Petitioner shall file a Memorandum Addressing Limitations within **14 days** of this Order.

Signed: September 25, 2019

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney  
Chief United States District Judge

