

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

3:12-cv-280

3:11-cr-112

ERIKA HOLLAND, )  
)  
    **Petitioner,** )  
)  
    **vs.** )  
)  
UNITED STATES OF AMERICA , )  
)  
    **Respondent.** )  
\_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court upon the Government’s Motion to Compel. (Doc. No. 7).

The Court previously ordered, (Doc. No. 2), the Government to respond to Petitioner’s Motion to Vacate pursuant to 28 U.S.C. § 2255, (Doc. No. 1). The Government has sought two deadline extensions, in part, because trial counsel have not provided affidavits responsive to ineffective assistance of counsel claims raised by Petitioner. (Doc. Nos. 4, 6). Accordingly, the Court finds that a hearing should be held for the presentation of evidence regarding Grounds One and Two in the Motion to Vacate. Rule 8 of the Rules Governing Section 2255 Proceedings.

Petitioner is entitled to appointment of counsel for the limited purpose of representation at the evidentiary hearing. Rule 8(c) of the Rules Governing Section 2255 Proceedings. The Court previously determined that Petitioner qualified for appointed counsel and there is no evidence that her financial condition has changed while in custody. (3:11-cr-112: Oral Order, April 21, 2011).

See 18 U.S.C. § 3006A.

**IT IS, THEREFORE, ORDERED** that:

1. an evidentiary hearing on Grounds One and Two of the Motion to Vacate is scheduled for October 31, 2012, at 9:30 a.m., in the Robert D. Potter Courtroom of the United States District Court, Charlotte Division;
2. the Federal Defender shall designate counsel promptly for the limited purpose of representing Petitioner at the hearing;
3. the United States Marshals Service shall produce Petitioner for the evidentiary hearing;
4. the Government's Second Motion for Extension of Time, (Doc. No. 6), is **GRANTED**, and the Government's obligation to file its answer is stayed pending the evidentiary hearing; and
5. the Government's Motion to Compel, (Doc. No. 7), is **DENIED** as moot.

The Clerk is directed to certify copies of this order to the Petitioner, the Federal Defender, the United States Attorney, and the United States Marshals Service.

Signed: August 29, 2012



Robert J. Conrad, Jr.  
Chief United States District Judge

