

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:13-cv-113-RJC  
(3:04-cr-196-RJC)**

**NATHANIEL DEVON BAILEY,** )  
 )  
 **Petitioner,** )  
 )  
**vs.** )  
 )  
**UNITED STATES OF AMERICA,** )  
 )  
 **Respondent.** )  
\_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on Petitioner’s Motion for Clarification re Order on Motion to Vacate, Set Aside or Correct Sentence under 28 U.S.C. § 2255, (Doc. No. 14).

On November 18, 2014, this Court entered an order granting Petitioner’s motion to vacate his underlying conviction for possession of a firearm by a felon under 18 U.S.C. § 922(g), in Case No. 3:04-cr-196-RJC-CH-1. Petitioner points out in his motion that the order vacating that conviction states that Petitioner was “discharged,” and Petitioner appears to be under the impression that this meant Petitioner is entitled to be released from prison immediately. Petitioner is incorrect. Petitioner has served his full sentence on the Section 922(g) conviction. However, he is still currently serving a 135-month sentence after being convicted in this Court on February 18, 2010, of conspiracy to possess with intent to distribute 5 grams or more of cocaine base on November 12, 2008; possessing 5 grams or more of cocaine base with intent to distribute on that same date; and possession of a firearm after being convicted of a felony, possessing cocaine base with intent to distribute, and possession of a firearm during and in relation to a drug trafficking crime, all on November 24, 2008. See (Crim. No. 3:09-cr-152,

Doc. No. 66: Judgment).

The Clerk is directed to terminate as no longer pending Petitioner's Motion for Clarification, (Doc. No. 14).

The Clerk is also directed to certify copies of this order to Petitioner, counsel for Petitioner, the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: November 24, 2014

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
United States District Judge

