

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:13-cv-541-FDW
(3:07-cr-97-FDW-1)**

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|----------------------------------|---|--------------|
| THOMAS DONNELL SIFFORD, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | ORDER |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondent. |) | |
| |) | |

THIS MATTER is before the Court on Petitioner’s Motion to Vacate under the All Writs Act of 28 U.S.C. § 1651 or under a Writ of Habeas Corpus under 28 U.S.C. § 2241. (Doc. No. 1). Petitioner seeks relief under United States v. Simmons, 649 F.3d 237 (4th Cir. 2011), and Miller v. United States, No. 13-6254, 2013 WL 4441547 (4th Cir. Aug. 21, 2013). Petitioner seeks to have this Court vacate his 2008 convictions and corresponding 132-month sentence for possession with intent to distribute at least five grams of cocaine, under 21 U.S.C. § 841, and possession of ammunition by a convicted felon, under 18 U.S.C. § 922(g). See (Criminal Case No. 3:07cr97, Doc. No. 30: Judgment).

Petitioner has not signed the § 2241 petition under penalty of perjury. The Court will give Petitioner twenty (20) days to re-submit the petition signed under penalty of perjury, or the petition may be dismissed without further notice. Once Petitioner re-submits the petition signed under penalty of perjury, the Court will then order the Government to respond.

IT IS, THEREFORE, ORDERED that within twenty (20) days of service of this Order, Petitioner shall resubmit the petition, filed under penalty of perjury, or petitioner may face

dismissal of this action.

Signed: October 8, 2013

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

