

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:14-cv-286-FDW  
(3:88-cr-136-FDW-1)**

**DONALD POSTELL,** )  
 )  
 **Petitioner,** )  
 )  
 vs. )  
 )  
 **UNITED STATES OF AMERICA,** )  
 )  
 **Respondent.** )  
 \_\_\_\_\_ )

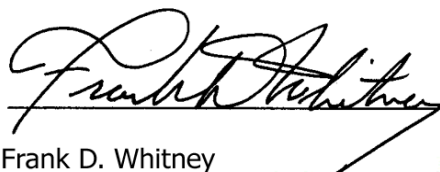
**ORDER**

**THIS MATTER** is before the Court on Petitioner’s “Motion to Excuse Previously Titled 2255 Motion, and Reinstate Motion Seeking Relief under Section 2241,” (Doc. No. 6), filed on December 16, 2014. Petitioner’s motion will be denied as moot because this action was dismissed by Order of this Court dated June 23, 2014, and judgment was entered on June 24, 2015. See (Doc. Nos. 2: 3). To the extent that Petitioner would like to assert claims through a petition filed under 28 U.S.C. § 2241, he must file a petition with the Court and it will be opened as a new action.

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

1. Petitioner’s “Motion to Excuse Previously Titled 2255 Motion, and Reinstate Motion Seeking Relief under Section 2241,” (Doc. No. 6), is **DENIED** as moot.

Signed: December 18, 2014

  
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Frank D. Whitney  
Chief United States District Judge



