

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:14-cv-576-FDW
(3:11-cr-398-FDW-1)

JARVIS DEMOND HEMPHILL,)
)
 Petitioner,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)


ORDER

THIS MATTER is before the Court on an initial review of Petitioner’s pro se motion to vacate, set aside, or correct sentence, filed pursuant to 28 U.S.C. § 2255. The Court notes that Petitioner’s § 2255 motion is not signed under penalty of perjury, or rather, not signed at all for that matter. Rule 2(b)(5) of the Rules Governing Section 2255 Proceedings requires that a pro se petitioner must sign the § 2255 motion under penalty of perjury. Therefore, Petitioner will be afforded fourteen (14) days from entry of this Order to resubmit his § 2255 motion to the Clerk’s office after having signed it under penalty of perjury. Petitioner is notified that failure to comply with this Order will result in dismissal of his § 2255 motion without prejudice and without further notice.

IT IS, THEREFORE, ORDERED that Petitioner shall resubmit his § 2255 motion to the Clerk’s office after having signed it under penalty of perjury within fourteen (14) days from entry of this Order. Failure to comply with this Order will result in dismissal of Petitioner’s § 2255 motion without prejudice and without further notice.

IT IS SO ORDERED.

Signed: October 31, 2014



Frank D. Whitney
Chief United States District Judge

