

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 a review of Petitioner’s pro se motion to vacate, set aside or correct sentence, which he filed pursuant to 28 U.S.C. § 2255. (3:14-cv-638-FDW, Doc. No. 1).

On October 15, 2014, Petitioner filed a pro se § 2255 motion to vacate but he failed to sign the petition under penalty of perjury. Accordingly, the Court entered an Order requiring Petitioner to resubmit his § 2255 motion after signing it under penalty of perjury or risk having it dismissed. On November 18, 2014, the Clerk docketed Petitioner’s resubmitted petition, which was signed under penalty of perjury, and opened a new civil action in Case No. 3:14-cv-638-FDW.

The Court finds that the two § 2255 motions are virtually identical as they raise the same claims for relief and that the newly submitted motion in Case No. 3:14-cv-638, Doc. No. 1, should be filed in Case No. 3:14-cv-576-FDW, with the notation that it has been submitted under penalty of perjury as required by this Court’s October 31<sup>st</sup> Order. (3:14-cv-576, Doc. No. 2).

The Court further finds that Case No. 3:14-cv-638 should be closed and all future filings

will be made in Case No. 3:14-cv-576.

**IT IS, THEREFORE, ORDERED** that Petitioner's resubmitted § 2255 motion in Case No. 3:14-cv-638 should be filed in Case No. 3:14-cv-576.

**IT IS FURTHER ORDERED** that Case No. 3:14-cv-638 should be closed and all future filings will be made in Case No. 3:14-cv-576.

**IT IS SO ORDERED.**

Signed: November 26, 2014

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

