

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-294-RJC
(3:14-cr-99-RJC-DCK-4)**

ANTHONY LAMAR ALEXANDER,)	
)	
Petitioner,)	
)	
vs.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
_____)	


THIS MATTER is before the Court on *pro se* Petitioner’s Motion for Leave to File Traverse to Government’s Answer to § 2255 Motion, (Doc. No. 11).

On October 13, 2016, the Court granted Petitioner 14 days to respond to the Government’s Motion to Dismiss, (Doc. No. 7). No response was filed so, on November 15, 2016, the Court entered an Order denying and dismissing with prejudice Petitioner’s Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255, (Doc. No. 8). The Clerk of Court entered a Judgment, (Doc. No. 9), and this case was closed. Petitioner’s present Motion is dated November 14, 2016, which is well beyond the deadline for filing a Response, and it was docketed after the Court denied the § 2255 Motion to Vacate. In addition, Petitioner is no longer in custody. See Spencer v. Kemna, 523 U.S. 1, 7–8 (1998) (an incarcerated convict’s or parolee’s challenge to the validity of his conviction always satisfies the case or controversy requirement, but, once a convict’s sentence has expired, some collateral consequence of the conviction must exist if the suit is to be maintained). For all these reasons, the Motion will be denied as moot.

IT IS, THEREFORE, ORDERED that Petitioner’s Motion for Leave to File Traverse to

Government's Answer to § 2255 Motion, (Doc. No. 11), is **DENIED** as moot.

Signed: October 23, 2019

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

Robert J. Conrad, Jr.
United States District Judge

