NERIS GUTIERREZ,	)	
	)	
Petitioner,	)	
	)	
vs.	)	ORDER
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	
	)	

THIS MATTER is before the Court on its own motion following the Government's Response to Petitioner's motion to vacate, set aside or correct sentence brought under 28 U.S.C. § 2255, in which the Government has conceded that an evidentiary hearing may be appropriate to address Petitioner's claim that counsel was ineffective for failing to file a notice of appeal after Petitioner requested counsel to do so. See (Doc. No. 5). The Court will, therefore, conduct an evidentiary hearing in this matter on the sole issue of Petitioner's contention that counsel was ineffective for failing to file a notice of appeal after Petitioner requested counsel to do so.
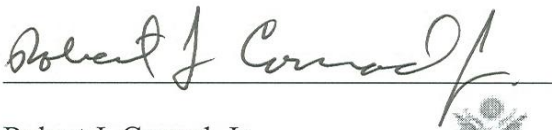
IT IS, THEREFORE, ORDERED that:

1. The Bureau of Prisons and the U.S. Marshals Service are hereby ORDERED to transport and produce the body of Neris Gutierrez (USM #30322-058), for an Evidentiary Hearing on November 27, 2017, at 9:45 a.m., before the Honorable Robert J. Conrad, in the Western District of North Carolina, Charlotte Courthouse, 401 W. Trade St., Courtroom #2-1, Charlotte, North Carolina. Upon completion of the Evidentiary Hearing, Petitioner is to be returned to the custody of the Bureau of Prisons.

2. The Federal Defender of Western North Carolina is hereby appointed to represent Petitioner at the evidentiary hearing. The Federal Defender shall, no less than thirty days before the hearing, meet with Petitioner to discuss whether holding an evidentiary hearing on Petitioner's claim of ineffective assistance of counsel is in Petitioner's best interest.

3. The Clerk is directed to certify copies of this Order to the United States Attorney, Petitioner's Counsel, the U.S. Marshal Service, and the U.S. Probation Office.

IT IS SO ORDERED.

Signed: October 12, 2017

Robert J. Conrad, Jr.
United States District Judge