

**IN THE UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF NORTH CAROLINA
 STATESVILLE DIVISION
 5:06CV51-V-02
 (5:03CR37-14-V)**

TROY DEAN BUSH,)
 Petitioner,)
)
 v.)
)
UNITED STATES OF AMERICA,)
 Defendant.)
 _____)

ORDER

THIS MATTER comes before the Court the petitioner’s Motion to Vacate, Set Aside, Or Correct Sentence under 28 U.S.C.§2255, filed April 13, 2006.

By the instant Motion to Vacate, counsel for the petitioner alleges that the petitioner’s first trial attorney subjected the petitioner to ineffective assistance of counsel, both prior to and after the time that he was formally charged with an offense in federal Court. More particularly, habeas counsel asserts that the petitioner’s first trial attorney improperly advised the petitioner not to fully cooperate with the government, and he directed the petitioner to conceal his involvement with two of trial counsel’s friends/colleagues. Habeas counsel contends that due to this improper advice, the petitioner was not able to provide his full assistance to the government and was thereby deprived of an opportunity to receive a significant reduction for substantial assistance.

Upon reviewing the foregoing allegations, the undersigned believes that the government should be required to file a response to the petitioner's Motion to Vacate. Therefore, the government will be directed to file a response to such Motion as provided below.

NOW, THEREFORE, IT IS ORDERED:

1. That within forty (40) days of the date of this Order, the United States Attorney shall file an answer or other appropriate response to the allegations set forth in the petitioner's Motion to Vacate.

2. That the Clerk shall send a copy of this Order to habeas counsel, the petitioner and to the United States Attorney.

SO ORDERED.

Signed: April 18, 2006



Richard L. Voorhees
Chief United States District Judge

