

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

5:09-cv-00048-RLV

BROOKS THOMAS LACKEY)
BROWN,)
 Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
 Respondent.)
)

ORDER

THIS MATTER is before the Court on Petitioner’s Motion under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence, (Doc. No. 1), and Respondent’s Motion for Summary Judgment, (Doc. 10).

On May 7, 2009, Petitioner filed a Motion to Vacate, Set Aside or Correct Sentence under 28 U.S.C. § 2255 and a Memorandum in support of this Motion, (Doc. No. 2). Respondent filed an Answer in Opposition to Petitioner’s Motion, (Doc. No. 9), and a Motion for Summary Judgment on August 10, 2009. On May 15, 2012, Petitioner filed a supplemental brief, (Doc. No. 20), citing *Lafler v. Cooper*, 132 S.Ct. 1376 (2012), a recent decision by the U.S. Supreme Court as additional grounds for relief.

In light of *Lafler* and another recent decision by the U.S. Supreme Court, *Freeman v. United States*, 131 S.Ct. 2685 (2011), the parties are ordered to file supplemental briefs addressing the impact, if any, of these cases and any other applicable, recent case law on the instant case within thirty (30) days.

It is so **ORDERED**.

Signed: June 28, 2012

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath the name.

Richard L. Voorhees
United States District Judge

