

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:16-cv-125-RLV
(5:14-cr-26-RLV-1)

BRANDON SCOTT SACKRIDER,)
)
Petitioner,)
)
vs.)
)
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 by a Person in Federal Custody. (Doc. No. 1.) Petitioner seeks relief under Johnson v. United States, 135 S. Ct. 2551 (2015). Also before the Court is Petitioner’s Motion for Appointment of Counsel. (Doc. No. 2.)

On November 17, 2015, the judges of this Court issued a Standing Order appointing the Federal Defenders of Western North Carolina (“FDWNC”) to represent any defendant who was previously determined to have been entitled to appointment of counsel, or who is now indigent, to determine if that defendant is eligible for relief under Johnson. Standing Order in re: Johnson v. United States, No. 3:13-mc-00196-FDW (W.D.N.C. Nov. 17, 2015). Petitioner was previously determined to be indigent.

In addition to raising Johnson and Johnson-related ineffective assistance of counsel claims (Ground III, Doc. No. 1), Petitioner raises two unrelated ineffective assistance of counsel claims (Grounds I, II, Doc. No. 1). The Court, therefore, will direct the FDWNC to review only Petitioner’s Johnson claim and related ineffective assistance of counsel claim. The FDWNC

may enter an appearance in this case, if it determines Petitioner is eligible for relief under either claim.

IT IS, THEREFORE, ORDERED THAT:

1. No later than sixty (60) days from entry of this Order, the Federal Defenders of North Carolina shall file a supplement or amendment to the Johnson and/or Johnson-related ineffective assistance of counsel claims raised in Petitioner's motion to vacate or notice that it does not intend to file a supplement;
2. Petitioner's Motion for Appointment of Counsel is **DENIED** (Doc. No. 2) as moot; and
3. The Clerk of Court shall provide a copy of this Order to Petitioner and the Federal Defenders of Western North Carolina.

Signed: November 1, 2016



Richard L. Voorhees
United States District Judge

