

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:17-cv-118-MOC  
(5:13-cr-53-MOC-DCK-3)**

**DANIEL LEE FOSTER,** )  
 )  
           **Petitioner,** )  
 )  
           **vs.** )  
 )  
**UNITED STATES OF AMERICA,** )  
 )  
 )  
           **Respondent.** )  
\_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on its own motion following Petitioner’s failure to submit his motion to vacate signed under penalty of perjury in accordance with this Court’s order dated September 21, 2017. (Doc. No. 2). The Court noted in its prior order that the petition has not been signed under penalty of perjury, and the Court gave Petitioner twenty (20) days in which to resubmit the petition signed under penalty of perjury. The Court specifically warned that if Petitioner failed to do so, the petition would be subject to dismissal without further notice.

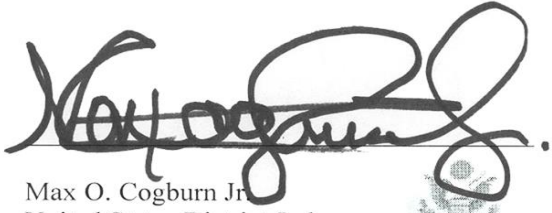
More than twenty days has passed, and Petitioner has not resubmitted his petition in accordance with this Court’s prior order.

**ORDER**

**IT IS, THEREFORE, ORDERED** that Petitioner shall have an additional twenty (20) days from entry of this Order in which to resubmit the petition signed under penalty of perjury. **Petitioner is hereby warned that if Petitioner fails to do so, the petition will be dismissed**

**without prejudice and without further notice to Petitioner.**

Signed: November 30, 2017

A handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.", written over a horizontal line. The signature is highly stylized and cursive.

Max O. Cogburn Jr.  
United States District Judge