

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

MICHAEL LYNN CASH,)	
)	
Plaintiff(s),)	
vs.)	Case No. CIV-13-30-JHP
)	
UNITED STATES OF AMERICA,)	
)	
Defendant(s).)	

MINUTE ORDER

You are advised that the following Minute Order was entered by Judge James H. Payne in the above-styled and numbered cause on February 1, 2013:

This matter is before the court on petitioner's motion to vacate pursuant to 28 U.S.C. § 2255. A review of the record reveals that this matter is currently pending on direct appeal to the Tenth Circuit Court of Appeals. *United States v. Cash*, No. 12-7072.

While “there is no jurisdictional bar to the District Court's entertaining a Section 2255 motion during the pendency of a direct appeal ... the orderly administration of criminal law precludes considering such a motion absent extraordinary circumstances.” Rule 5 of the Rules Governing § 2255 Proceedings, Advisory Committee Note; *See also United States v. Cook*, 997 F.2d 1312, 1319 (10th Cir.1993) (“Absent extraordinary circumstances, the orderly administration of criminal justice precludes a district court from considering a § 2255 motion while review of the direct appeal is still pending.”) Finding that no extraordinary circumstances exist, and for purposes of judicial economy, this matter is hereby **DISMISSED WITHOUT PREJUDICE**. Petitioner may refile his § 2255 motion within the proper limitations period after the conclusion of his direct appeal and certiorari petition, if any.

WILLIAM B. GUTHRIE, Clerk

By: s/ C. Trzcinski
Deputy Clerk