

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

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|------------------------|---|--------------------------|
| JAMES CRAIG JEFFERSON, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | Case Number CIV-05-442-C |
| |) | |
| T.C. PETERSON, Warden, |) | |
| |) | |
| Respondent. |) | |

MEMORANDUM OPINION AND ORDER

Before the Court is Petitioner’s Motion to Compel and to Reinstate Petitioner’s 28 U.S.C. § 2241 Petition. On April 19, 2005, Petitioner filed a motion pursuant to 28 U.S.C. § 2241 alleging his counsel was ineffective in negotiating the plea agreement. The matter was referred to Magistrate Judge Bana Roberts who determined that Petitioner was challenging the validity of his conviction and had failed to demonstrate relief was unavailable pursuant to 28 U.S.C. § 2255. The Court adopted Judge Roberts’ Recommendation on July 29, 2005, and dismissed the action. Petitioner filed the present motion on August 9, 2005, asserting that he had not received Judge Roberts’ Order and therefore did not realize he needed to file an objection.

Review of the Court file supports Petitioner’s argument. On June 17, 2005, Petitioner’s copy of Judge Roberts’ Recommendation was returned as undeliverable. Accordingly, the Court VACATES the Judgment entered on July 29, 2005 (Dkt. No. 9) and GRANTS Petitioner additional time to file an Objection. Petitioner’s objection to Judge

Roberts' Report and Recommendation must be filed not later than August 29, 2005. The Court Clerk is directed to include a copy of Judge Roberts' Report and Recommendation when mailing this Order to Petitioner.

IT IS SO ORDERED this 11th day of August, 2005.



ROBIN J. CAUTHRON
United States District Judge