

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

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JOSHUA JAY BLAINE,  Movant,  vs.  UNITED STATES OF AMERICA,  Respondent.	4:17-CV-04138-KES  ORDER
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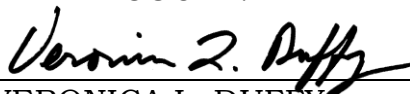
Movant, Joshua Jay Blaine, has filed a pro se motion pursuant to 28 U.S.C. § 2255. From a reading of the motion, the court cannot determine that “it plainly appears from the face of the petition . . . that the petitioner is not entitled to relief in the district court” warranting summary dismissal pursuant to Rule 4 of the Rules Governing Section 2255 Cases in the United States District Court. Therefore, it is

ORDERED that:

1. Mr. Blaine’s motion to proceed in forma pauperis (Docket 2) is granted.
2. The Clerk of Court will deliver or serve a copy of the motion on the United States Attorney for the District of South Dakota.
3. The United States Attorney for the District of South Dakota will serve and file an answer or responsive pleading to the motion, together with a legal brief or memorandum, on or before November 3, 2017.

DATED this 3rd day of October, 2017.

BY THE COURT:

  
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VERONICA L. DUFFY  
United States Magistrate Judge