Racey v. USA Doc. 25

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

RAYMOND RACEY,	)	
	)	
Petitioner,	)	
	)	
v.	)	**Nos. 3:16-CV-619/ 3:14-CR-89**
	)	**REEVES/GUYTON**
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

JUDGMENT ORDER

In accordance with the accompanying Memorandum Opinion, Petitioner Raymond Racey's motion [Doc. 1; 3:14CR-89 Doc. 527] is **GRANTED in part** and **DENIED in part**.

Racey's claim for relief due to his attorney's failure to file a notice of appeal as instructed is **GRANTED**. The judgment entered on October 15, 2015 [3:14-CR-89, Doc. 427] is **VACATED**, and the Clerk of Court is **DIRECTED** to **RE-ENTER** that judgment as of this date.

Racey's claim for relief for ineffective assistance of counsel during the plea bargain process is **DENIED**. However, a certificate of appealability is **GRANTED** with respect to this claim. If Racey files a notice of appeal, he may proceed *in forma pauperis*. 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24. The Clerk of Court is further **DIRECTED** to close the civil case, Case No. 3:16-CV-619.

IT IS SO ORDERED.

Pamela L. Reeves

CHIEF UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT

/s/ JOHN L. MEDEARIS
CLERK OF COURT

Dockets.Justia.com