

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

ROMAN MORALES-GARZA,

Petitioner,

v.

No. 1:16-cv-01024-JDB-egb  
1:13-cr-10092-JDB

UNITED STATES OF AMERICA,

Respondent.

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ORDER DIRECTING UNITED STATES TO RESPOND TO ISSUES RAISED BY  
PETITIONER

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In an order entered in this matter on October 19, 2016, the Court released Russell Larson, trial counsel for the Petitioner, Roman Morales-Garza, from the attorney-client privilege to the extent necessary to submit an affidavit and such other documentation as may be necessary for the Government to respond to the motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 (the "Petition"). (Docket Entry ("D.E.") 9.) The Court further directed the Respondent to file its response to the Petition within twenty-eight days of the entry of the order. On October 20, 2016, the United States moved for an extension of time, to twenty-eight days after its receipt of Larson's affidavit, in which to file its response. (D.E. 11.) The motion was granted on October 25, 2016.<sup>1</sup> (D.E. 12.) In addition to the Petition, there is pending in Morales-Garza's criminal case, No 1:13-cv-10092-JDB, a *pro se* motion for relief under *Johnson v. United States*, 135 S. Ct. 2551 (2015). (Case No. 1:13-cr-10092-JDB, D.E. 608.)

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<sup>1</sup>To date, almost a year later, the Government has failed to file a response, despite more than one inquiry by the Court concerning Respondent's receipt of the affidavit and efforts to secure same in an attempt to move this matter forward.

The Government is DIRECTED to respond to the Petition and the *Johnson* motion within fourteen days of the entry of this order. It is admonished that failure to timely comply with this order may result in the Court's grant of habeas relief and/or imposition of sanctions.

IT IS SO ORDERED this 20th day of September 2017.

s/ J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE