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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 NICHOLAS MICHAEL SLEDGE,

12 Defendant.

CR14-81 TSZ

13 NICHOLAS MICHAEL SLEDGE,

14 Petitioner,

15 v.

16 UNITED STATES OF AMERICA,

17 Respondent.

C16-873 TSZ

MINUTE ORDER

18 The following Minute Order is made by direction of the Court, the Honorable
19 Thomas S. Zilly, United States District Judge:

20 (1) The Government's motion to stay resentencing, docket no. 52 in CR14-81,
21 is treated as a motion to continue resentencing and for an extension of time to file a
22 motion for reconsideration, and is GRANTED as follows:

23 (a) The resentencing scheduled for April 6, 2017, is STRICKEN, and
will be reset at a later date if appropriate.

(b) Any motion for reconsideration in Case No. CR14-81 shall be filed
by April 6, 2017, and noted for April 21, 2017. Any response shall be filed by the
noting date. No reply shall be filed unless requested by the Court. Any motion for

1 reconsideration and any response shall not exceed twelve (12) pages in length and
2 shall address (i) whether *Beckles v. United States*, --- U.S. ---, 2017 WL 855781
3 (Mar. 6, 2017), has retroactive effect, and (ii) whether the Government has waived
4 the ability to rely on *Beckles* by failing to even argue, in response to Sledge's
5 motion under 28 U.S.C. § 2255, that the Sentencing Guidelines are not subject to a
6 void-for-vagueness challenge.

7 (2) Petitioner's motion, docket no. 13 in C16-873, to vacate the Order entered
8 March 3, 2017, docket no. 12 in C16-873, is RENOTED to April 21, 2017. On or before
9 April 6, 2017, petitioner shall file a supplemental brief, not to exceed five (5) pages in
10 length, addressing: (i) on what basis does petitioner move to withdraw his motion under
11 28 U.S.C. § 2255; and (ii) whether petitioner must be provided an opportunity to allocute
12 at any resentencing, even if the Order entered March 3, 2017, is vacated and the term of
13 104 months is re-imposed. Any response shall not exceed five (5) pages in length and
14 shall be filed by the noting date. No reply shall be filed unless requested by the Court.

15 (3) The Clerk is directed to send a copy of this Minute Order to all counsel of
16 record.

17 Dated this 23rd day of March, 2017.

18 William M. McCool
19 Clerk

20 s/Karen Dews
21 Deputy Clerk