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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) By Minute Order entered March 23, 2017, docket no. 53 in CR14-81 and  
21 docket no. 14 in C16-873, the Court directed petitioner to file, on or before April 6, 2017,  
22 a supplemental brief addressing (i) the basis on which petitioner moves to withdraw his  
23 motion under 28 U.S.C. § 2255, and (ii) whether petitioner must be provided an  
opportunity to allocute at any resentencing. No supplemental brief was timely filed.  
Instead, the parties have filed a stipulated motion for reconsideration, which summarizes  
the holding in *Beckles v. United States*, --- U.S. ---, 2017 WL 855781 (Mar. 6, 2017), but  
which fails to address whether petitioner must be allowed to allocute before the Court  
may resentence him, and which does not discuss the other issues identified in the Minute  
Order entered March 23, 2017, namely (i) whether *Beckles* has retroactive effect, and

1 (ii) whether the Government has waived the ability to rely on *Beckles* by failing to even  
2 argue, in response to Sledge’s motion under 28 U.S.C. § 2255, that the Sentencing  
3 Guidelines are not subject to a void-for-vagueness challenge.

4 (2) Petitioner’s motion, docket no. 13 in C16-873, to vacate the Order entered  
5 March 3, 2017, docket no. 12 in C16-873, is STRICKEN in light of the parties’ stipulated  
6 motion for reconsideration. The parties’ stipulated motion for reconsideration, docket  
7 no. 15 in C16-873, is RENOTED to April 21, 2017. On or before the noting date, the  
8 parties shall file either separate briefs or a joint brief complying with the direction in the  
9 Minute Order entered March 23, 2017, to address the issues identified therein.

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

12 Dated this 7th day of April, 2017.

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William M. McCool  
Clerk

s/Karen Dews  
Deputy Clerk