

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MUHAMMED TILLISY,

Petitioner,

V.

UNITED STATES OF AMERICA,

Respondent.

C17-437 TSZ [related to CR09-269 MJP]

MINUTE ORDER

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

(1) On or before November 10, 2017, the parties shall file briefs, not to exceed ten (10) pages in length, addressing the following issues: (i) whether the Court has jurisdiction to consider petitioner's motion under 28 U.S.C. § 2255 given that petitioner is currently in the custody of the Washington State Department of Corrections and is not presently serving the sentence being challenged; see 28 U.S.C. § 2255; Heflin v. United States, 358 U.S. 415 (1959); Miller v. United States, 256 F.2d 501 (9th Cir. 1958); see also Rule 1(b) of the Rules Governing § 2255 Proceedings; (ii) whether petitioner's § 2255 motion is time barred; (iii) whether the motion constitutes a second or successive motion; and (iv) whether petitioner waived his right to bring a § 2255 motion, as indicated in the Order entered April 12, 2011, docket no. 152 in CR09-269 MJP.

(2) The Clerk is directed to send a copy of this Minute Order to all counsel of record and to petitioner pro se, DOC No. 870270, at both Washington State Penitentiary in Walla Walla, WA (as reflected in the docket) and Monroe Correctional Complex-TRU, at P.O. Box 888, Monroe, WA 98272.

Dated this 20th day of September, 2017.

William M. McCool
Clerk

s/Karen Dews
Deputy Clerk