

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLTON HUNTER,

Defendant.

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ORDER

10-cr-29-bbc

Defendant Carlton Hunter has filed a motion for post conviction relief under 28 U.S.C. § 2255, contending that he is eligible for a reduced sentence under the Fair Sentencing Act because he was sentenced after the law took effect on August 3, 2010, although he committed his offense before then. Defendant's motion may be untimely unless the import of Dorsey v. United States, 132 S. Ct. 2321 (2012), is that any person sentenced after August 3, 2010 for a crime committed before then is entitled to a reconsideration of his sentence or unless he can claim the benefit of subsection (f)(3) of § 2255, which delays the start of the running of the statute of limitations in certain instances to "the date on which the right asserted was originally recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral appeal."

ORDER

IT IS ORDERED that the United States may have August 23, 2012 in which to respond to the motion; defendant may have until September 11, 2012 in which to file a reply.

Entered this 2d day of August, 2012.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge