

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN W. SANDERS,

Defendant.

ORDER

03-CR-097-C

06-C-0028-C

Defendant John Sanders has moved for relief from the judgment entered by this court on March 16, 2006 denying his §2255 motion to vacate, set aside or correct his sentence. In support of his motion for relief, defendant says that he did not understand that his §2255 motion would be dismissed if he did not file his amended motion within 45 days of the date on which he had filed his original motion. Moreover, he notes, his sentence was not final until November 28, 2005, when the United States Supreme Court denied certiorari on his petition.

Because defendant still has until November 28, 2006 in which to file a §2255 motion and because he did not understand the implication of his failing to file an amended complaint in the time he promised to do so, I will grant his motion to set aside the judgment in this case.

However, I do not intend to keep this motion open until November 28, 2006. If defendant has reason to believe that he is entitled to vacation or modification of his sentence, he must file his amended material no later than June 1, 2006. If he does not do so, his motion will be dismissed at that time for his failure to prosecute it.

Entered this 31st day of March, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge