

June 14, 2016

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

Jane R Bauer
By _____
Digitally signed by Jane R Bauer
DN: cn=Jane R Bauer, o=US District
Court, ou=Office of the Clerk,
email=jane_bauer@ctd.uscourts.gov,
c=US
Date: 2016.06.14 15:41:51 -04'00'

STANDING ORDER RE: PETITIONS UNDER 28 U.S.C. §§ 2255 and 2241
IN LIGHT OF JOHNSON v. UNITED STATES

In light of the United States Supreme Court decision in Johnson v. United States, 135 S. Ct. 2551 (2015) and the fact that a significant number of petitions will be filed by federal prisoners seeking relief under 28 U.S.C. §§ 2255 and 2241 before the statute of limitations expires on June 27, 2016, this Order is issued to facilitate the orderly administration of justice.

As agreed by the United States Attorney's Office and the Federal Public Defenders Office, and in order to (a) afford the effective representation of counsel; (b) allow the Court of Appeals to clarify the application of Johnson to particular issues so that the District Court may render consistent rulings; and (c) avoid the District Court and the parties being overwhelmed by the filing of a significant number of petitions asserting claims based on Johnson at one time, the Federal Public Defenders Office and other counsel appointed for Johnson matters under the Criminal Justice Act will be permitted to file abridged petitions under 28 U.S.C. § 2255 on or before June 27, 2016, providing notice of the petitioner's claim, to be followed by further briefing. The petitions are to be supplemented by a brief that more fully sets forth the basis for the requested relief. The time to file the full briefing by petitioner will be 90 days after filing the abridged petition.

It is suggested that individual judges defer consideration of abridged petitions until the filing of the supplemental petition or until a fully briefed petition is filed. The court may set a briefing schedule sua sponte or at the request of a party or parties.

Where the Court concludes that the petitioner has previously filed a petition seeking to vacate his sentence pursuant to 28 U.S.C. § 2255 and that that previous motion was fully adjudicated, but the petitioner includes in the abridged petition (filed on or before June 27, 2016) a notice of a pending motion for authorization to file a successive petition having been filed with the Court of Appeals on or before May 27, 2016, the Court shall (a) issue an Order that the abridged § 2255 petition is deemed timely filed and thereafter hold the proceedings in abeyance pending further notice from either party; and (2) order the petitioner to file a notice within 14 days of any final ruling by the Court of Appeals on the pending motion.

Dated at New Haven, Connecticut, this 14th day of June, 2016.

/s/ Janet C. Hall
Janet C. Hall
Chief U.S. District Judge