

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

_____	:	
WILLIAM BASKERVILLE,	:	
	:	
Petitioner,	:	
	:	
v.	:	Civil Action No. 13-5881 (JAP)
	:	
UNITED STATES OF AMERICA	:	<b>ORDER</b>
	:	
Respondent.	:	
_____	:	

You have filed a *pro se* pleading under 28 U.S.C. § 2255 challenging your federal incarceration arising from a judgment in the United States District Court for the District of New Jersey. Pursuant to the decision of the Court of Appeals for the Third Circuit in *United States v. Miller*, 197 F. 3d 644 (3d Cir. 1999), this is to advise you that under federal law, a person seeking relief in federal court from confinement resulting from conviction in that court must include in a single petition, under § 2255, all potential claims for which he or she desires to seek review and relief, because a second or successive habeas petition under § 2255 must be dismissed unless certain very specific and rare circumstances exist. *See* 28 U.S.C. § 2244.

Therefore, please note that at this time you have the following options:

1. You may have your pleading ruled upon as filed; or
2. You may have your pleading recharacterized as a § 2255 motion and heard as such, if your motion is not already styled as such; or
3. You may withdraw your current petition or application and file one all-inclusive § 2255 Petition subject to the one-year period described by the Antiterrorism Effective Death Penalty Act (AEDPA) in 28 U.S.C. § 2255.

**IT IS**, therefore, on this 7<sup>th</sup> day of October, 2013,

**ORDERED** that you have **forty-five (45) days** from the date you receive this Order to provide the District Court with a written response advising the Court how you would like to proceed; and it is further

**ORDERED** that, if you do not respond to the Court in writing within forty-five (45) days of your receipt of this Order, then the Court will rule on your original pleading as you have labeled it, the one (1) year statute of limitation period will not be tolled, and you will not be permitted to file any additional grounds challenging your conviction or sentence without receiving certification from the Court of Appeals for the Third Circuit; and it is further

**ORDERED** that, if you respond within forty-five (45) days and you ask the Court to rule upon your petition as currently filed, you will not be permitted to file any additional grounds challenging your conviction or sentence without receiving certification from the Court of Appeals for the Third Circuit; and it is further

**ORDERED** that, if you respond within forty-five (45) days and you elect to file one (1) all-inclusive § 2255 motion, the one (1) year statute of limitations will be tolled from the day you handed your original pleading to prison officials for mailing to the Court until forty-five (45) days after you receive this Order. If you choose this option, you will have the 45-day response period plus any additional time remaining within your 365-day statute of limitation period to draft and file your timely all-inclusive habeas application; and it is further

**ORDERED** that, if you elect to file one (1) all-inclusive § 2255 motion and timely file that amended petition, the Respondent shall have **forty-five (45) days** from

the date on which your amended petition is filed to file and serve an amended answer to the amended petition.

/s/Joel A. Pisano  
JOEL A. PISANO  
United States District Judge