

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MAURICE FAYNE,	:	MOTION TO VACATE
Fed. Reg. No. 73197-019,	:	28 U.S.C. §2255
Movant,	:	
	:	CRIMINAL NO.
v.	:	1:20-CR-228-MHC-JKL-1
	:	
UNITED STATES OF AMERICA,	:	CIVIL ACTION NO.
Respondent.	:	1:23-CV-4917-MHC-JKL

ORDER

Movant executed a motion to vacate his convictions and sentences pursuant to 28 U.S.C. §2255 on October 20, 2023, and indicated that a “Memorandum of Law in Support will be forthcoming.” (Doc. 326). On November 1, 2023, I entered an Order instructing Movant to file that supporting memorandum within twenty days. (Doc. 328).

Because Movant had not filed a supporting memorandum in compliance with my instructions, I entered an Order on February 1, 2024, instructing Movant to show cause within fourteen days why this case should not be dismissed for his failure to obey an order of the Court. (Doc. 332). After Movant had neither responded to the show cause order nor filed a memorandum of law, on February 26, 2024, I entered a final report and recommendation (“R&R”) which recommended dismissal under LR 41.3A, NDGa. for Movant’s failure to obey a lawful order of the Court. (Doc. 333).

Three days after the R&R was docketed, the Clerk received Movant's response to the show cause order. (Doc. 335). Therein, he states that he currently is in holdover status at the United States Penitentiary in Atlanta, Georgia awaiting a transfer and has no access to his property – which apparently contains the legal memorandum he previously prepared – and he does not know when he will receive that property. (*Id.*). I will provide Movant with one more opportunity to comply with my instructions.

The R&R entered on February 26, 2024 [Doc. 333] is **VACATED**, and Movant is **ORDERED** to file a supporting memorandum within **THIRTY DAYS** of the date of this Order. I would note that even without his property Movant can provide more factual details supporting his claims, and Movant already has been provided with several months to do so. Consequently, Movant is warned that the Court may not be inclined to grant any further requests for an extension.

The Clerk is **DIRECTED** to resubmit the matter to me upon receipt of the memorandum in support or at the expiration of the aforementioned time period.

SO ORDERED this 12th day of March, 2024.



JOHN K. LARKINS III
UNITED STATES MAGISTRATE JUDGE