

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

GLADYS HARUN,

Petitioner, CASE NO. 3:23- CR-00003 DHB-BKE

v.

UNITED STATES OF AMERICA,

Respondent.

**MOTION FOR EXTENSION OF TIME TO RESPOND TO GOVERNMENT'S MOTION
TO DISMISS**

Petitioner Gladys Harun, proceeding pro se and currently residing at the halfway house- Dimas Charity Macon, 744 2nd Street, Macon, GA 31201, respectfully moves pursuant to Federal Rule of Civil Procedure 6(b)(1) and the Rules Governing Section 2255 Proceedings to enlarge the time for filing her response to Respondent's Motion to Dismiss the § 2255 Petition by thirty (30) days. In support, Petitioner shows the Court as follows:

I. Introduction and Relief Requested

Petitioner filed a Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255. On May 1, 2025, the United States filed its Motion to Dismiss (Doc. 68) and served Petitioner by mail. By the Certificate of Service, the government represented it was mailed to Petitioner at 714 Second Street, Macon, GA 31201—a bad address.

Under Fed. R. Civ. P. 6(b)(1), “[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time ... on motion made after the time has expired if the party failed to act because of excusable neglect.” The Rules Governing Section 2255 Proceedings incorporate Federal Rules of Civil Procedure 6(b) for extensions.

Petitioner seeks a thirty-day extension of time—until thirty days from entry of the order—to file her response to the Motion to Dismiss.

II. Background

4. On February 12, 2025, Petitioner filed her § 2255 Motion (Doc. 1). On May 1, 2025, the United States Attorney's Office filed its Motion to Dismiss (Doc. 68) and Certificate of Service

representing service by First-Class Mail, addressed to 714 Second Street, Macon, GA 31201. That address is incorrect; Petitioner has lived at Dimas Charity Macon, 744 2nd Street, Macon, GA 31201, since entering the halfway house.

5. Petitioner did not receive the Motion to Dismiss. On May 20, 2025, Petitioner spoke by phone both with the Clerk's Office and an Assistant U.S. Attorney. She learned for the first time of the government's Motion and that her response deadline was May 15, 2025.

III. Timeline of Events

- 05/01/2025 – USAO filed Motion to Dismiss; Certificate of Service lists incorrect address.
- 05/15/2025 – Response due date under Local Rule 7.6.
- 05/20/2025 – Petitioner learned of both the Motion and the expired deadline and conferred with Court staff and USAO.

IV. Legal Standard

6. Federal Rule of Civil Procedure 6(b)(1) permits enlargement of time after expiration “for good cause” or upon a showing of “excusable neglect.” Fed. R. Civ. P. 6(b)(1). The Rules Governing Section 2255 Proceedings adopt these enlargement provisions. See Rules Governing § 2255 Proceedings, Rule 12.

7. In *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380, 382–83 (1993), the Supreme Court held that inadvertent failures may constitute excusable neglect under Rule 9006(b)(1) (analogous to Rule 6(b)). Courts consider: (1) the reason for delay and whether it was within the party's control; (2) the prejudice to the adversary; (3) the party's good faith; and (4) the length of delay and its impact on judicial proceedings. 507 U.S. at 395.

8. The Eleventh Circuit applies Pioneer's four-factor test to Rule 6(b) extensions. See *Perez v. Miami-Dade Cnty.*, 297 F.3d 1255, 1263–64 (11th Cir. 2002).

V. Argument

9. The Pioneer factors weigh heavily in favor of granting relief:

- a. Reason for Delay. The delay resulted from the government's mis-mailing to an incorrect address, not any fault of Petitioner. A mis-addressed certificate of service is akin to non-delivery by opposing counsel.
- b. Prejudice. Granting a 30-day extension will not prejudice the United States because the case is in its early stages and a brief delay will not affect the Court's calendar.

c. Good Faith. Petitioner acted in good faith. As soon as she discovered the Motion and missed deadline on May 20, 2025, he sought clarification from the Court and USAO.

d. Length of Delay. The delay is minimal—five days beyond the May 15 deadline before discovery—and will not disrupt proceedings.

10. Under these circumstances, Petitioner's neglect was excusable. To deny the extension would punish Petitioner for Respondent's error, contrary to the excusable neglect principle.

VI. Conclusion and Prayer for Relief

For the foregoing reasons, Petitioner respectfully requests that the Court enter an order:

- a. Extending the deadline to file her response to the government's Motion to Dismiss by thirty days from the date of entry of the order; and
- b. Granting such other relief as the Court deems just and proper.

Respectfully submitted this 20th day of May, 2025.



Gladys Harun, Pro Se

Dimas Charity Macon

744 2nd Street

Macon, GA 31201

May 20, 2025

Assistant United States Attorney

United States Attorney's Office

P.O. Box 8970

Savannah, GA 31412

Petitioner, CASE NO. 3:23- CR-00003 DHB-BKE

Dear Assistant United States Attorney:

I write as a pro se litigant in the above-captioned case to notify you of an error in the Certificate of Service for the Government's Motion to Dismiss (Doc. 8), filed May 1, 2025. The Certificate indicates service upon me at "714 Second Street, Macon, GA 31201," which is incorrect.

Please update your records to reflect my correct mailing address:

Gladys Harun, Pro Se

Dimas Charity Macon

744 2nd Street

Macon, GA 31201

I respectfully request that all future filings, pleadings, and correspondence in this matter be sent to the address above to ensure proper service and facilitate timely communication. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gladys Harun', with a large, stylized initial 'G'.

Gladys Harun, Pro Se

Dimas Charity Macon

744 2nd Street

Macon, GA 31201

UNITED STATES DISTRICT COURT
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V.

UNITED STATES OF AMERICA,
Respondent.

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2025, I filed Gladys Harun's Motion for Extension of Time to Respond to Government's Motion to Dismiss (Doc. 9) an via mail to the court.

I further certify that on May 20, 2025, I caused a true and correct copy of the foregoing Motion to be mailed via First-Class U.S. Mail to:

Assistant United States Attorney

United States Attorney's Office

P.O. Box 8970

Savannah, GA 31412

Dated: May 20, 2025

Gladys Harun, Pro Se

Dimas Charity Macon

744 2nd Street

Macon, GA 31201



CERTIFICATE OF SERVICE

This is to certify that I have on this day served all the parties in this case in accordance with the notice of electronic filing ("NEF") that was generated as a result of electronic filing in this Court. In addition, I mailed a paper copy via U.S.

Postal Service to:

Gladys Harun, Reg. No. 09407-510
714 Second Street
Macon, GA 31201

This May 1, 2025.

Respectfully submitted,

TARA M. LYONS
ACTING UNITED STATES ATTORNEY

//s/ Channell V. Singh
Channell V. Singh
Assistant United States Attorney
Georgia Bar No. 216540

P.O. Box 8970
Savannah, Georgia 31412
(912) 652-4422

PO BOX 8289

31412

Overnight

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