FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta

JAN 26 2006

LUTHER D. THOMAS, Clerk
By: Deputy Clerk

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

UNITED STATES OF AMERICA,

v.

DARRYL MCCRARY,

Defendant.

CRIMINAL CASE NO.
1:92-CR-377-03-JEC
1:06-CV-164-01-JEC

ORDER

The above entitled action is presently before the Court on defendant's Motion to Vacate, Set Aside or Correct Sentence Under 28 U.S.C. § 2255 [355]. The Court notes that the file is in the Eleventh Circuit Court of Appeals on defendant's June 24, 2005 and July 1, 2005 Notice and Amended Notice of Appeal [329,333].

IT IS HEREBY ORDERED that the Court **DENIES WITHOUT PREJUDICE** defendant's Motion to Vacate, Set Aside or Correct Sentence Under 28 U.S.C. § 2255 [355]. Upon receipt of the Eleventh Circuit Court of Appeals's decision on the defendant's pending appeals, the defendant may seek to reactivate this motion.

The Clerk is directed to close this action.

SO ORDERED this 26 day of JANUARY, 2006.

JULIE E. CARNES
UNITED STATES DISTRICT JUDGE

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(Rev.8/82)