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

FINAL REPORT AND RECOMMENDATION

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, on February 1, 2024, I entered an Order 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). In that same Order I noted that the lack of a memorandum in support of the motion to vacate makes it impractical for the Government to respond thereto. (*Id.*).

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

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recommendation ("R&R") which recommend 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, Movant stated that he currently was in holdover status at the United States Penitentiary in Atlanta, Georgia ("USP-Atlanta"), he had no access to his property including the legal memorandum he previously prepared, and he did not know when he would receive that property. (*Id.*).

As a result of Movant's response, I entered an Order on March 12, 2024, vacated the February 26, 2024, R&R, and provided Movant with one more opportunity – thirty days – to file a supporting memorandum. (Doc. 336). In that Order, I noted that even without his property movant could provide more factual details to support his claims and that he already had been provided with several months to do so, and I warned Movant that the Court may not be inclined to grant any further requests for an extension. (*Id.*). The March 12, 2024, Order was not returned to the Court, and as of May 2, 2024, Movant has not submitted a memorandum of law in support of the §2255 motion.

IT IS RECOMMENDED that this action be **DISMISSED WITHOUT PREJUDICE** for Plaintiff's failure to obey a lawful Order of the Court. *See* LR 41.3A, NDGa.

The Clerk is **DIRECTED** to terminate the District Judge's reference to the undersigned Magistrate Judge.

IT IS SO ORDERED this 3rd day of May, 2024.

JOHN K. LARKINS III
UNITED STATES MAGISTRATE JUDGE