

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

UNITED STATES OF AMERICA,	:	
	:	
v.	:	Case No. 5:17-cr-24-MTT-CHW
	:	
NAJIY WILLIAMS,	:	
	:	Proceedings Under 28 U.S.C. § 2255
Defendant/Movant.	:	Before the U.S. Magistrate Judge
	:	

ORDER

Before the Court is a Motion to Vacate, Set Aside, or Correct a Sentence pursuant to 28 U.S.C. § 2255 filed by Najiy Williams. (Doc. 224). Movant previously filed a Section 2255 motion (Doc. 176), which was ultimately granted to allow for resentencing and an out-of-time appeal. (Docs. 198, 202). A prior recommendation to deny all remaining grounds of the motion was rejected, and the Court instead dismissed all the remaining grounds without prejudice. (Docs. 192, 202). Both the second recommendation and order adopting it contemplated the possible filing of a numerically second, but not successive, Section 2255 motion. (Docs. 198, p. 3; 202, p. 2 and n. 2). Therefore, after conducting an initial review of the instant motion in accordance with the provisions of Rule 4 of the Rules Governing Section 2255 Proceedings for the United States District Courts, the Court is unable to conclude that the motion is subject to summary dismissal.

IT IS THEREFORE ORDERED that within **thirty (30) days** of the date of this Order, Movant shall amend his motion to include every unalleged possible constitutional error or deprivation entitling him to federal habeas corpus relief, failing which Movant will be presumed to have deliberately waived his right to complain of any constitutional errors or deprivations other than those set forth in his initial motion. If amended, Movant will be presumed to have

deliberately waived his right to complain of any constitutional errors or deprivations other than those set forth in his initial and amended motions.

IT IS FURTHER ORDERED that the United States Attorney **RESPOND** to Movant's claims by filing an answer or other responsive pleading pursuant to Rule 5 of the Rules Governing Section 2255 Proceedings for the United States District Courts within **sixty (60) days** of the date of this Order.

Movant requests that Attorney Ken Smith, who represented him for the previously filed Section 2255 motion and subsequent appeal and appears to have drafted the current motion, be re-appointed to continue representing him for purposes of this motion. The Court hereby **appoints** Attorney Ken Smith to represent movant as requested. Movant also requests that an evidentiary hearing be held. The Court will reserve ruling on the need for an evidentiary hearing until after the Government has submitted its response.

SO ORDERED, this 26th day of May, 2023.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge