

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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BARRY CARNEY,	:	
	:	Civ. No. 20-872 (PGS)
Petitioner,	:	
	:	
v.	:	<b>MEMORANDUM AND ORDER</b>
	:	
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	
	:	

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Petitioner is proceeding *pro se* with a motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. Previously, this matter was administratively terminated because Petitioner did not use the updated Clerk's form. (*See* ECF 2). Subsequently, Petitioner submitted his § 2255 motion on the correct form (*see* ECF 3), such that the Clerk will be ordered to reopen this case.

In accordance with Rule 4(b) of the Rules Governing Section 2255 Proceedings, *see* 28 U.S.C. § 2255 Rule 4(b), the Court has screened the motion for dismissal and determined that dismissal without an answer and a reply is not warranted.

Accordingly, IT IS this 7th day of April 2020,

ORDERED that the Clerk shall reopen this case; and it is further

ORDERED that within forty-five (45) days of the date of the entry of this Order, the United States shall electronically file and serve an answer to the § 2255 motion (ECF 3); and it is further

ORDERED that the answer shall respond to the allegations and grounds of the motion and shall adhere to Rule 5 of the Rules Governing Section 2255 Proceedings; and it is further

ORDERED that the answer shall address the merits of each claim raised in the motion; and it is further

ORDERED that the answer shall contain an index of exhibits; and it is further

ORDERED that if the answer refers to briefs or transcripts, orders, and other documents from prior proceedings, then the United States shall serve and file them with the answer; and it is further

ORDERED that Petitioner may serve and file a reply to the answer within forty-five (45) days after the answer is filed; and it is further

ORDERED that the Clerk shall serve this order on Petitioner by regular U.S. mail.

*s/Peter G. Sheridan*  
PETER G. SHERIDAN, U.S.D.J.