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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA

MAY 16 2016

2:16-mc-3746

IN RE: WELCH v. UNITED  
STATES, 136 S. Ct. 1257 (2016)

) Civil Misc. No.  
)

CLERK  
U.S. DISTRICT COURT  
MIDDLE DIST. OF ALA.

**STANDING ORDER**

On June 26, 2015, in *Johnson v. United States*, 135 S. Ct 2551 (2015), the United States Supreme Court held that the residual clause of the Armed Career Criminal Act (“ACCA”) is unconstitutionally vague. There are past ACCA defendants in this district who may benefit from the *Johnson* decision, now that the United States Supreme Court has held that, in ACCA cases, *Johnson* applies retroactively on collateral review.

The one-year deadline for seeking *Johnson* relief under 28 U.S.C. § 2255 expires on June 26, 2016. The court recognizes that the numerous defendants potentially affected by *Johnson* will need to file at least protective § 2255 petitions in order to meet this looming deadline. Both the United States Attorney and Federal Defender Offices have limited resources for reviewing and briefing numerous closed cases that may warrant retroactive relief under *Johnson*. The court also finds that an extended period for the screening and briefing of such cases is broadly in the interests of justice and would aid the court’s eventual review of claims for relief.

Accordingly, it is ORDERED that the Federal Defender or other counsel may file skeletal or summary petitions for § 2255 relief in ACCA cases based upon *Johnson*, and that further briefing and disposition of such claims shall be stayed pending further motion of the parties. The stay expires January 2, 2017, absent further order of the court. Nothing herein shall be construed as an opinion or suggestion that any particular petitioner subject to retroactive application of *Johnson* is necessarily entitled to relief.

DONE this 16<sup>TH</sup> day of May, 2016.

A handwritten signature in black ink, appearing to read "W. Cecil Walker", is written over a horizontal line.

CHIEF UNITED STATES DISTRICT JUDGE