



United States Of America v. Heatley et al

2022 | Cited 0 times | S.D. New York | October 13, 2022

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

-----x UNITED STATES OF AMERICA, : : 96-CR-515-02 (LAP) : -against- :

: ORDER : JOHN CUFF, : : Defendant. : : -----x LORETTA A. PRESKA,
Senior United States District Judge: Defendant moved for relief under 28 U.S.C. § 2255 on October 5, 2020. (Dkt. no. 681; see also dkt. nos. 702- 703.) The Government opposed on March 2, 2021. (Dkt. no. 707.) Defendant submitted a reply on March 26, 2021. (Dkt. no. 710.) Though represented by counsel, Defendant submitted an uncounseled supplemental filing on April 30, 2021 (dkt. no. 711), to which the Government responded by letter on June 2, 2021 (dkt. no. 720). The Government submitted a letter informing the Court of a supplemental authority from the Court of Appeals on May 4, 2021 (dkt. no. 712), to which counsel for Defendant responded on May 7, 2021 (dkt. no. 714). On June 18, 2021, counsel for Defendant submitted a letter informing the Court of a supplemental authority from the Supreme Court in *United States v. Borden*, -- S. Ct. --, 2021 WL 2367312 (U.S. June 10, 2021). (Dkt. no. 723.) Since that time, the Court

has also received additional uncounseled filings from Defendant (see, e.g., dkt. nos. 730, 741), but has not received a response from the Government.

On or before October 31, 2022, the Government shall respond to counsel's June 18 letter (dkt. no. 723) addressing the impact, if any, of the Supreme Court's decision in *Borden* and any other intervening authorities that may bear on the issues before the Court. The Government may also respond to any related arguments made in Defendant's recent uncounseled submissions (dkt. nos. 730 and 741).

SO ORDERED.

Dated: New York, New York

October 13, 2022

-----x LORETTA A. PRESKA Senior United States District Judge

