

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AMENDED
STANDING ORDER OF REFERENCE
FOR PRISONER LITIGATION FILED PURSUANT
TO 28 U.S.C. § 2255
STANDING ORDER NO. 4

U.S. DISTRICT COURT
FILED AT WHEELING, WV
MAY 16 2000
NORTHERN DISTRICT OF WV
OFFICE OF THE CLERK

Miscellaneous No. 5:00-MC-13

Upon receipt of an original and two copies of a properly completed motion to vacate, set aside, or correct the sentence, pursuant to 28 U.S.C. § 636 (b)(1)(A) and § 636 (b)(1)(B), it is hereby ORDERED that all actions filed by a prisoner pursuant to 28 U.S.C. § 2255 be referred to the United States Magistrate Judge designated by Standing Order No. 2, who is hereby designated and authorized to consider the record and do all things proper to recommend disposition of any dispositive motions filed in this matter and to rule upon any nondispositive motions, including, without limitation, conducting a hearing on motions, if necessary, and entering into the record a written order setting forth the disposition of the motions or recommendation for disposition, as the case may be. It is also ORDERED that the Clerk deliver a copy of the motion together with a notice of its filing to the United States Attorney.

(1) Initial Consideration: If it plainly appears from the face of the motion and any annexed exhibits and the prior proceedings in the case that the movant is not entitled to relief in the District Court, the Magistrate Judge shall make a report and recommendation for its summary dismissal and cause the movant to be notified.

If, however, it appears from the face of the motion and any annexed exhibits and the prior proceedings that the movant may or may not be entitled to relief in the District Court, the Magistrate Judge shall order

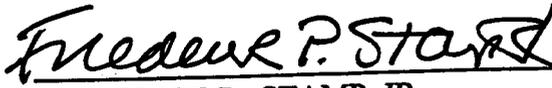
(a) Service of the Complaint: The Clerk shall deliver or serve a copy of the motion, together with a notice of its filing on the United States Attorney for this district.

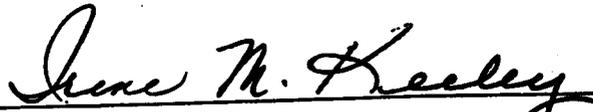
(b) Answer of the United States Attorney: The United States Attorney shall answer the motion or otherwise move with respect to it within thirty (30) days of entry of the Order to answer by the District Court.

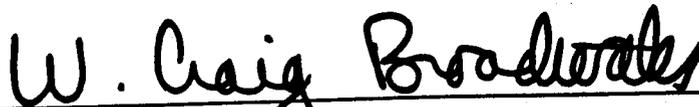
(2) Deadlines Final: The time limitations set forth above shall not be altered except as set forth in LR16.1(f). All dates for submissions, deliveries, and filings with the Clerk or the Court refer to the date the materials must actually be received, not the mailing date.

(3) A copy of this standing order shall be mailed to all parties by the Clerk in each case filed under 28 U.S.C. § 2255.

ENTERED: ^{May 16} ~~April 20~~, 2000


FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT COURT CHIEF JUDGE


IRENE M. KEELY
UNITED STATES DISTRICT COURT JUDGE


W. CRAIG BROADWATER
UNITED STATES DISTRICT COURT JUDGE


ROBERT E. MAXWELL
UNITED STATES DISTRICT COURT JUDGE