

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA**

IN RE

Johnson v. United States
135 S.Ct. 2551 (2015)

Public Administrative Order

No. 16 - AO - 3 - P

On June 26, 2015, in *Johnson v. United States*, 135 S.Ct 2551 (2015), the U.S. Supreme Court voided the residual clause of the Armed Career Criminal Act (ACCA) as unconstitutionally vague. There are numerous past ACCA defendants in this district who may benefit from the *Johnson* decision, if it applies retroactively. *Johnson's* retroactivity in ACCA cases was just established by the Supreme Court in *Welch v. United States*, S.Ct. No. 15-6418. There are numerous additional non-ACCA defendants who may benefit from *Johnson* if it applies equally and retroactively to the residual clause contained in section 4B1.2(a)(2) of the U.S. Sentencing Guidelines.

The one-year deadline for seeking *Johnson* relief under 28 U.S.C. § 2255 runs 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 U.S. 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, would aid the court's eventual review of claims for relief, and would allow time for the law in this difficult area to further clarify.

The court accordingly orders that the Federal Defender or other counsel may file skeletal or summary petitions for § 2255 relief 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 *Johnson* is indeed retroactive, or that it applies retroactively and with equal force to the U.S. Sentencing Guidelines, or that any particular petitioner subject to retroactive application of *Johnson* is necessarily entitled to relief.

DATED this 20th day of April, 2016.



JOHN A. JARVEY, Chief Judge
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA