

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 09-40049-01-RDR

GREGORY D. CROSBY,

Defendant.

O R D E R

This matter is presently before the court upon the following motions: (1) government's motion to extend deadline to respond to defendant's § 2255 motion; (2) government's motion to strike document 99; and (3) defendant's motion for extension of time to file a reply to the government's response.

The government filed a motion to extend the deadline to respond to the defendant's motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 on August 29, 2011. In that motion, the government sought an additional thirty days to file its response. The deadline for filing the response was August 29, 2011. The government then filed its response on September 6, 2011. For the reasons stated, the court shall grant the government's motion. The court shall consider the response filed on September 6th as timely filed.

The government inadvertently filed a document on August 29, 2011 that contained the wrong defendant's name. This led to the

filing of the government's motion to strike document 99. For the reasons stated, this motion shall also be granted. The court directs that Doc. # 99 be hereby stricken.

Finally, the defendant has filed a motion for extension of time to reply to the government's response. The defendant seeks an extension to November 30, 2011 to file his reply. The government has raised no objection to the motion. The court shall grant this motion. The defendant shall file his reply on or before November 30, 2011.

IT IS THEREFORE ORDERED that the government's motion to extend deadline to respond to defendant's section 2255 (Doc. # 100) be hereby granted. The response filed by the government on September 6, 2011 is deemed timely filed.

IT IS FURTHER ORDERED that the government's motion to strike document 99 (Doc. # 101) be hereby granted. The clerk shall strike Doc. # 99 from the docket sheet.

IT IS FURTHER ORDERED that the defendant's motion for extension of time to file opposition to government's response (Doc. # 103) be hereby granted. The defendant shall be allowed until November 30, 2011 to file his reply.

IT IS SO ORDERED.

Dated this 6th day of October, 2011 at Topeka, Kansas.

s/ RICHARD D. ROGERS

United States District Judge