

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL NO. 04CR20075
VERSUS	*	JUDGE MELANCON
GREGORY JAMES CATON	*	MAGISTRATE JUDGE HILL

ORDER

On April 13, 2005, Gregory James Caton filed a Motion pursuant to 28 U.S.C. §2255. [rec. doc. 27]. Caton sets forth three grounds for relief: (1) that he received ineffective assistance of counsel because his attorney, Lewis O. Unglesby, failed to file an appeal on his behalf; (2) that he received ineffective assistance of counsel because his attorney failed to argue claims based on *Blakely v. Washington*, 124 S.Ct. 2531 (2004); and (3) that the cumulative effect of these errors by counsel deprived him of Due Process. Accordingly;

THE CLERK OF COURT IS DIRECTED to serve a copy of this Order and the referenced pleading [rec. doc. 27] on the United States Attorney.

The United States Attorney shall file an answer within sixty (60) days of receipt of a copy of the Motion, i.e., **on or before June 22, 2005**. The answer shall be accompanied by a memorandum of legal argument and authorities, and any pertinent portions of the sentencing hearing transcript. The memorandum shall cite apposite Fifth Circuit case law where it is available. Respondent **shall** address whether any of the claims raised herein

are **procedurally or otherwise barred**. A copy of the answer shall be provided to Magistrate Judge C. Michael Hill commensurate with filing.

Any reply memorandum which the petitioner desires to file shall be filed within fifteen (15) days following the date that the answer is filed. A copy of the reply shall be provided to Magistrate Judge C. Michael Hill and to the United States Attorney commensurate with filing.

After a review of the Motion and all relevant memoranda, and attachments, the Court will determine whether an evidentiary hearing is necessary.

Signed this 25th day of April, 2005, at Lafayette, Louisiana.



C. MICHAEL HILL
UNITED STATES MAGISTRATE JUDGE