IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, **v.** **TYRONE DORMAN,** **Defendant.**	**CRIMINAL ACTION** **No. 04-cr-460-1** **CIVIL ACTION** **No. 06-cv-4042**

MEMORANDUM AND O R D E R

Petitioner filed this 28 U.S.C. §2255 petition on September 12, 2006, in which he seeks to attack his conviction and/or sentence imposed by this court in 04-cr-460-1; the Clerk properly labeled this petition as 06-cv-4042. On that same date, petitioner notified the court that he wished his petition to be held in abeyance for forty-five (45) days, because he was allegedly still gathering supporting information (including transcripts) that he thought would be valuable to this court in considering the merits of 06-cv-4042. This request for abeyance is related, according to the petitioner, to the strict and short statute of limitations in 28 U.S.C. §2255 cases, which is created by 28 U.S.C. §2255 itself. Accordingly, this Day of October, 2006, it is hereby ORDERED as follows:

1. Civil Action Number 06-cv-4042 is DISMISSED WITHOUT PREJUDICE.

2. Petitioner is placed on formal notice that in the event that he requests that the dismissal of 06-cv-4042 created by this court in the instant Order be revoked, that he shall so notify this court no later than November 1, 2006, and that at that time this court will Order 06-cv-4042 reopened. In the event that 06-cv-4042 is reopened in this manner, petitioner is formally notified that the docket in 06-cv-4042 and the docket in 04-cr-460-1 shall continue to indicate that the 28 U.S.C. §2255 petition was filed on September 12, 2006 for purposes of the statue of limitations of 28 U.S.C. §2255.

3. Petitioner is placed on formal notice that in the event that the said request does not arrive in this court by November 2, 2006, that 06-cv-4042 shall remain permanently closed.

BY THE COURT:

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MARVIN KATZ, S.J.