

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

MARK RAZO,)
)
 Petitioner,)
) 1:11-cr-00184-JAW-1
 v.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)

**ORDER AFFIRMING RECOMMENDED DECISION
OF THE MAGISTRATE JUDGE**

On May 26, 2016, the Government filed a motion requesting the Court to comply with the Supreme Court's guidance set forth in *Castro v. United States*, 540 U.S. 375 (2003). *Gov't's Mot. to Comply with Castro v. United States and Req. to Extend the Time for Responding to Pet'r's Pleading* (ECF No. 276). On July 6, 2016, the Magistrate Judge issued a recommended decision advising this Court to grant the Government's motion. *Recommended Decision on Gov't's Mot. to Comply* (ECF No. 280). The parties filed no objections to the Recommended Decision.

The Court has performed a de novo review of the Recommended Decision and concurs with the recommendations for the reasons set forth in the decision. Accordingly, the Court ORDERS that the Recommended Decision of the Magistrate Judge is AFFIRMED and the Court GRANTS the Government's motion to comply.

Pursuant to *Castro v. United States*, the Court advises Mr. Razo that it construes his pro se filing (ECF No. 269) to be a first Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255. The Court further advises Mr. Razo

that if at some point in the future, he files a second or successive section 2255 motion, the recharacterization of this first section 2255 motion will subject him to the restrictions that 28 U.S.C. § 2255 imposes on second or successive collateral challenges. The Court advises Mr. Razo that he has fourteen (14) days following this Order either to withdraw or to amend the motion if he wishes to do so. The Court ORDERS the Government to answer Mr. Razo's motion or his amended motion in the event he files an amended motion within 45 days of the Court's Order. Finally, the Court GRANTS Mr. Razo's Request for the Court to Treat Filing #269 as a First 2255 (ECF No. 278).

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 12th day of September, 2016