UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

JESSE K. BOTTOMS, SR.	)	
	)	
Petitioner,	)	
	)	
vs.	)	No. 4:13-cv-00044-TWP-DML
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

E N T R Y

The Court of Appeals has recently reaffirmed that the government "undercutting a sentencing recommendation may rise to the level of a breach of an agreement." *United States v. Navarro*, No. 12-2606, 2015 WL 6500089, at *3 (7th Cir. Oct. 27, 2015)(citing cases). That is the essence of the petitioner's claim in this action for relief pursuant to 28 U.S.C. § 2255. The United States made an inadequate initial response to the petitioner's motion and has been invited to do better. Doing so may eliminate issues and simplify or eliminate the need for further proceedings.

The United States now seeks an extension of time to do so. But the extension it seeks is unreasonable in the circumstances. Its motion (Dkt 26) will therefore be **granted in part and denied in part.** The motion is **granted** to the extent that the United States shall have **through December 17, 2015** in which to **supplement** its argument with respect to its asserted breach of the plea through its argument at the petitioner's sentencing.

The petitioner shall have **through January 16, 2016** in which to reply. Petitioner's counsel is correct, his 28 U.S.C § 2255 motion has been pending long enough. Parties should anticipate no further extensions.

IT IS SO ORDERED.

Date: 11/13/2015

TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

Distribution:

Electronically Registered Counsel