



UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, Foley Square, in the City of New York, on the 19th day of January, two thousand five.

In re: Special Order of Stay

For docket numbers and individual case names, see Appendix.

ORDER

In the aftermath of Blakely v. Washington, 124 S. Ct. 2531 (2004), panels of this Court issued published opinions and orders in a large number of federal criminal cases but withheld issuance of the mandates in anticipation of further guidance from the Supreme Court (hereinafter "held cases"). After the Supreme Court granted certiorari in United States v. Booker, No. 04-104, 125 S. Ct. 11 (cert. granted Aug. 2, 2004), and United States v. Fanfan, No. 04-105, 125 S. Ct. 12 (cert. granted Aug. 2, 2004), this Court instructed counsel in each of the held cases to file supplemental papers within fourteen days of the Supreme Court's decisions in Booker and Fanfan. Decisions in Booker and Fanfan were rendered on January 12, 2005. See United States v. Booker, 2005 U.S. LEXIS 628, 2005 WL 50108 543 U.S. __ (Jan. 12, 2005).

All the judges of this Court, acting in their capacity as members of the panels before which the held cases remain pending, have now decided, in light of the Supreme Court's decision in Booker and Fanfan, that the previous instruction promptly to file supplemental papers in each case will pose an unnecessary burden on counsel for the defendants and the Government.

Accordingly, it is hereby Ordered by the panels in each of the held cases (the captions and docket numbers of which appear as an appendix to this Order), that in all such cases the requirement to file supplemental papers within fourteen days of the decision in

Booker and Fanfan is stayed. Notwithstanding the stay hereby ordered, any party may seek emergency relief by motion submitted to the panel before which the appeal is pending.

It is anticipated that a panel of this Court will expeditiously issue an opinion adjudicating the merits of a sentencing appeal in light of Booker and Fanfan.

This Order is issued for the Court by the Clerk of the Court, reflecting the actions of the judges of the panels before which the held cases are pending, acting in their capacity as members of such panels.

FOR THE COURT,
ROSEANN B. MacKECHNIE, Clerk

By: Roseann B. Mackechnie

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01-1242	USA v. Jones(Richardson)
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01-1518	USA v. Skelton(Clarke)
01-1577	USA v. Jones(Luke)
01-1577	USA v. Jones(Luke)
01-1580	USA v. Segura (Barrientos)
01-1580	USA v. Segura (Barrientos)
01-1668	USA v. Jones
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