

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

CURTIS D. HULING,	:	
	:	
Petitioner,	:	
	:	Case No. 4:16-cr-00025-CDL-MSH
v.	:	Case No. 4:24-cv-00050-CDL-MSH
	:	
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	
_____	:	

NOTIFICATION OF MOTION TO DISMISS

In lieu of a direct response to Petitioner's motion to vacate (ECF No. 63), Respondent filed a Motion to Dismiss (ECF No. 65) the above-styled petition. Under the procedures and policies of this Court, motions to dismiss are normally decided on briefs. The Court considers the pleadings and the motion to vacate in deciding whether dismissal is appropriate. The parties may submit their argument to this Court by filing briefs in support of or briefs in opposition to said motions. Petitioner should respond to Respondent's Motion to Dismiss in accordance with this Order.

The law provides that the party against whom dismissal is sought must be given ten (10) days' notice of the dismissal rules. In addition, the party upon whom a motion to dismiss has been filed has the right to file a brief in opposition to a motion to dismiss. If he fails to file a brief in opposition to the motion to dismiss, a final judgment may be rendered against him if otherwise appropriate under law.

FAILURE OF PETITIONER TO RESPOND TO AND REBUT THE LEGAL ARGUMENTS SET FORTH IN RESPONDENT’S BRIEF MAY RESULT IN SAID STATEMENTS BEING ACCEPTED AS UNCONTESTED AND CORRECT.

The Court could grant judgment to Respondent and there would be no hearing or further proceedings regarding this case. Accordingly, Petitioner is notified of his right to file a response to Respondent’s Motion to Dismiss. Any such response should be filed within thirty (30) days of the date of this Order. Thereafter, the Court will consider Respondent’s Motion to Dismiss and any opposition to the same filed by Petitioner and issue its ruling thereon.

SO ORDERED, this 22nd day of May, 2024.

/s/ Stephen Hyles

UNITED STATES MAGISTRATE JUDGE