

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

BOBBY BOYE,	:	
	:	
Petitioner,	:	Civ. No. 16-6024 (FLW)
	:	
v.	:	
	:	ORDER
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	
	:	

This matter having been brought before the Court by way of motion filed by petitioner Bobby Boye (“Petitioner”), under 28 U.S.C. § 2255, to vacate, set aside, or correct a sentence imposed by a judgment of this Court (ECF No. 1 & 1-1), it appearing that on the same day the Court filed its Opinion and Order denying Petitioner’s § 2255 petition on November 20, 2018 (ECF Nos. 14, 15), Petitioner filed a declaration replying to the United States’ Answer (ECF No. 13), which Answer was filed April 6, 2017. This declaration was originally filed under Petitioner’s criminal docket, *United States v. Boye*, Crim. No. 15-196 (FLW), ECF No. 55, on May 12, 2017, but was not filed in this case until more than one year after briefing on Plaintiff’s § 2255 petition concluded. As such, the November 20, 2018 opinion, rendered by the Court, did include any consideration of the arguments raised in the declaration. Therefore, based on the manner in which the declaration was submitted,

IT IS, on this 6th day of December 2018,

ORDERED that based on the procedurally defective manner in which the declaration was filed by Plaintiff, no consideration shall be given, and it is further

ORDERED that to the extent considered, however, the declaration does not change the result for the reasons expressed in the Court's November 20, 2018 Opinion, including this Court's denial of a certification of appealability.

/s/ Freda L. Wolfson
FREDA L. WOLFSON
United States District Judge