

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

UNITED STATES OF AMERICA ,)	
)	
Plaintiff,)	Case No. 1:04CR00071
)	
v.)	OPINION AND ORDER
)	
RANDY SCOTT RADER,)	By: James P. Jones
)	Chief United States District Judge
Defendant.)	

Randy Scott Rader, Pro Se Defendant.

Defendant Randy Scott Rader, an inmate proceeding pro se, moves the court for an extension of time in which to file a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C.A. § 2255 (West 2006). Rader states that he is in the special housing unit and has no access to the law library and no contact with the law library clerks whom might help him research and prepare pleadings. After review of the record, I must deny Rader’s Motions for Extension.

Under § 2255 para. 6, as amended by the 1996 Antiterrorism and Effective Death Penalty Act (“AEDPA”), § 2255 motions must be filed within one year from “the date on which the judgment of conviction becomes final” or the date on which a § 2255 claim based on new law or evidence becomes available to petitioner. I am unaware of any authority by which a district court may grant an extension of this one

year limitations period for filing a § 2255 motion. The AEDPA itself did not grant district courts such authority. Federal Rule of Civil Procedure 6(b) allows the court to extend deadlines set by the rules or by notice of the court. However, Rule 6(b) does not apply to deadlines set by statute.

Finding no supporting authority, it is hereby **ORDERED** that defendant's Motions for Extension of Time (Docket Nos. 120, 121) are DENIED.

Rader is advised that if he submits a timely § 2255 motion, making a plain and clear statement of all his claims for relief, he may simultaneously move the court for an extension of time to file a memorandum in support of those claims. He is also advised to review and consider the terms of his plea agreement and its waiver of the right to bring a collateral attack under § 2255. *See United States v. Lemaster*, 403 F.3d 216, 220 (4th Cir. 2005).

The clerk shall send a copy of this order to the defendant at his current place of incarceration.

ENTER: May 14, 2007

/s/ JAMES P. JONES
Chief United States District Judge