

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 06-12072-RWZ

ALFRED W. TRENKLER

v.

UNITED STATES OF AMERICA

ORDER

February 22, 2007

ZOBEL, D.J.

Alfred Trenkler filed a petition for a writ of error coram nobis seeking vacation of two life sentences imposed on March 8, 1994, allegedly in violation of law. The court ordered the government to file its response some six weeks later, on January 5, 2007. When the government defaulted, the court sua sponte granted an additional period of time, ordered the response to be filed by February 2, 2007, and warned that it would decide the petition "without opposition" if no opposition were filed. The government defaulted yet again and the court, on February 20, 2007, granted the writ because the sentence does, in fact, violate the statutes under which Trenkler was sentenced. The court further ordered Trenkler to be brought to court on April 4, 2007 for resentencing.

The government has finally taken notice and now seeks a stay of the court's grant of the petition and leave to file an opposition by March 7, 2007. The request for a stay is denied as unnecessary. Although the court granted the writ, it did not immediately vacate the sentences, but left that to the date of resentencing.

The request for leave to file a response is granted. The response shall focus on the issues raised by the petition, namely, the illegality of the sentence and the propriety of the procedural vehicle chosen to raise the issues. It shall abjure any arguments irrelevant to these issues including specifically any matters pertaining to the underlying crime.

Pending further order of the court, the date for resentencing, April 4, 2007, stands.

February 22, 2007

DATE

/s/Rya W. Zobel

RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE