

UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF TENNESSEE  
 AT KNOXVILLE

JOHN REECE ROTH,	)	
	)	
Petitioner,	)	
	)	
v.	)	Nos: 3:08-CR-69-TAV-HBG-1
	)	3:12-CV-08-TAV
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER**

In accordance with the accompanying Memorandum, petitioner’s motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 is **GRANTED** and his conviction and sentence is **VACATED**. The special assessment is **REDUCED** by \$100.00. This matter is set for **RESENTENCING** on **February 24, 2014, at 3:00 p.m.**, in Courtroom 4 of the Howard H. Baker, Jr. United States Courthouse, 800 Market Street, Knoxville, Tennessee 37902. The defendant is presently housed at the Federal Medical Center in Rochester, Minnesota. Accordingly, it is further **ORDERED** that the Bureau of Prisons relinquish custody of the defendant to the United States Marshal or his designee, and the United states Marshal or his designee transport the defendant to this district in order for him to appear on that date and time. The Clerk is **DIRECTED** to close the civil file.

**E N T E R :**

s/ Thomas A. Varlan  
 CHIEF UNITED STATES DISTRICT JUDGE