UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, **Plaintiff-Respondent,** **v.** **JAYSON PETER COSTA,** **Defendant-Petitioner.**	**1:11-CR-00026-LJO** **ORDER REINSTATING STRICKEN RESPONSE (Doc. 588)**

The Court has reconsidered its decision to strike Petitioner's Response to the Government's Opposition to his Motion pursuant to 28 U.S.C. § 2255 ("2255 Motion"). *See* Docs. 589 (Minute Order) and 588 (Response). Accordingly, the Court directs the Clerk of Court to reinstate the Response, Doc. 588, on the docket. The Court has subsequently reviewed the Response and its own October 7, 2015 order denying Petitioner's Section 2255 Motion, Doc. 597 ("October 7, 2015 Order"), in light of the Response, and for the following reasons, finds there is no reason to modify the October 7, 2015 Order.

The Response reiterates Petitioner's allegations. It also provides copies of the title records of the properties for which he alleges the Government calculated inaccurate loss amounts, as well as for five additional properties he did not dispute in the original 2255 motion. *Id.* As explained in the October 7, 2015 Order, even if all the challenges presented here and in the 2255 Motion were correct and Petitioner could not be held responsible for *any* of the losses associated with these properties, he would *still* be

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responsible for nearly six million dollars in losses, according to this Court's estimates.[1] Thus, considering Petitioner's response, including the five additional properties, it does not alter the Court's conclusion that Petitioner was not prejudiced by any errors that he alleges his attorney committed. Thus, Petitioner was not prejudiced by the Court's earlier failure to review his Response. Accordingly, consideration of the Reply does not warrant modification of the October 7, 2015 Order.

CONCLUSION AND ORDER

For the reason discussed above, the Clerk of Court is directed to reinstate Petitioner's Response, Doc. 588, on the docket. Having considered the Response in full, the Court concludes that there is no reason to modify its October 7, 2015 Order denying Petitioner's § 2255 motion to vacate, set aside, or correct his sentence and declining to issue a certificate of appealability.

IT IS SO ORDERED
Dated: October 8, 2015

/s/ Lawrence J. O'Neill
United States District Judge

[1] Based on figures presented as loss calculations in Habeas Motion Ex. 1C, at 32.