

No. 18-6237

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**  
Jul 23, 2019  
DEBORAH S. HUNT, Clerk

ALLEN R. WALKER, )  
 )  
 Petitioner-Appellant, )  
 )  
 v. )  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 Respondent-Appellee. )  
 )  
 )

ORDER

Before: MOORE, McKEAGUE, and READLER, Circuit Judges.

Allen R. Walker, a federal prisoner represented by counsel, petitions for panel rehearing of this court’s order denying his application for a certificate of appealability. Upon review, the panel concludes that the petition for rehearing should be granted and that a certificate of appealability should issue.

Accordingly, we **GRANT** the petition for rehearing and **GRANT** a certificate of appealability on the questions of whether the government forfeited or deliberately waived its statute of limitations defense and, if the government forfeited its defense, whether the district court erred by failing to provide Walker with notice and opportunity to respond before denying his 28 U.S.C. § 2255 motion as untimely. The Clerk’s Office is directed to set a briefing schedule on this issue.

ENTERED BY ORDER OF THE COURT

  
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Deborah S. Hunt, Clerk