

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

EUGENE LAMAR PENDLETON,)	
)	
Petitioner,)	
)	CIVIL ACTION NO.
v.)	2:16cv482-MHT
)	(WO)
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

This matter is before the court on petitioner Eugene Lamar Pendleton's objection (doc. no. 9) to the United States Magistrate Judge's order of August 10, 2016 (doc. no. 8), denying Pendleton's motion to stay a decision on his pending 28 U.S.C. § 2255 motion (doc. no. 6). In light of the ambiguity in the order of the Eleventh Circuit Court of Appeals denying as premature Pendleton's application for leave to file a second or successive 28 U.S.C. § 2255 motion, see In re Eugene Pendleton, No. 16-13636 (11th Cir. July 15, 2016), it is ORDERED as follows:

(1) Petitioner Eugene Lamar Pendleton's objection (doc. no. 9) to the magistrate judge's order denying his motion to stay is sustained.

(2) The motion to stay (doc. no. 6) is granted, and all proceedings in this action are stayed for a period of time extending, at minimum, until notification to the court of the resolution of the Supreme Court's decision in Beckles v. United States, No. 15-8544, 136 S. Ct. 2510 (June 27, 2016) (granting certiorari).

(3) The parties shall file a joint status report, updating the court on the disposition of petitioner Pendleton's appeal before the Eleventh Circuit and the disposition of Beckles before the Supreme Court, on the first Monday in February and July, beginning on February 6, 2017, until the stay is dissolved.

The clerk of the court is DIRECTED to close this case administratively.

DONE, this the 18th day of August, 2016.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE