

1 NOT FOR PUBLICATION  
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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
8

9 Eddie Lee Hatch,

10 Petitioner,

11 v.

12 United States of America,

13 Respondent.

No. CV-16-02041-PHX-JJT (MHB)

CR 02-01016-PHX-JJT

**ORDER**

14 At issue is the Report and Recommendation (“R&R”) delivered in this matter by  
15 United States Magistrate Judge Michelle Burns (Doc. 11), recommending that the Court  
16 grant Respondent United States of America’s motion to stay this matter until the Supreme  
17 Court of the United States renders a decision in the now-pending matter of *Beckles v.*  
18 *United States*, No. 15-8544, -- U.S. --, 136 S. Ct. 2510, 2016 WL 1029080 (*cert. granted*  
19 *June 27, 2016*). Petitioner Eddie Lee Hatch has filed an Objection to the R&R (Doc. 12)  
20 and Respondent has filed a Response to that Objection (Doc. 13), both of which the Court  
21 has now considered with the R&R.

22 The Court adopts in whole Judge Burns’s reasoning in the R&R for granting the  
23 stay. Issuance of the stay pending resolution of a matter that is before the Supreme Court  
24 during the present term will not injure Petitioner, substantially or otherwise, because the  
25 portion of his sentence for which he does not seek resentencing – the 87 month sentence  
26 for the new bank robbery offense – will not nearly have elapsed by the time the Supreme  
27 Court has provided any necessary guidance in its resolution of *Beckles*. The Court  
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1 therefore will follow the R&R insofar as it recommends the granting of Respondent's  
2 Motion for Stay (Doc. 6).

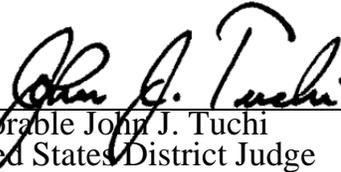
3 Petitioner points out, and Respondent agrees, that Respondent sought an extension  
4 of only 14 days after issuance of the Supreme Court's decision in *Beckles* to file its  
5 Response to the Petition in this matter. The Court therefore will not follow the R&R  
6 insofar as it recommends granting Respondent 30 days after the decision in *Beckles*  
7 issues to file its Response, and will allow only 14 days.

8 IT IS ORDERED adopting in part, as set forth above, the R&R and its reasoning.

9 IT IS FURTHER ORDERED granting Respondent's Motion to Stay (Doc. 6) and  
10 staying this matter until the Supreme Court of the United States issues its decision in  
11 *Beckles v. United States*, No. 15-8544. If the Supreme Court renders no decision in  
12 *Beckles* during the term, either party may move to lift the stay.

13 IT IS FURTHER ORDERED that Respondent's Response/Opposition to  
14 Petitioner's 2255 Petition shall be due no later than 14 days after issuance of the decision  
15 in *Beckles*.

16 Dated this 20th day of October, 2016.

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18   
19 Honorable John J. Tuchi  
United States District Judge