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6   **IN THE UNITED STATES DISTRICT COURT**

7   **FOR THE DISTRICT OF ARIZONA**

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9   Steven Houston Grant,   No. CV-16-02057-PHX-JAT (BSB)

10   Petitioner,   **ORDER**

11   v.

12   USA,

13   Respondent.

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15   Pending before the Court is the Government's request to stay this case (Doc. 4).

16   The Magistrate Judge to whom this case is assigned issued a Report and

17   Recommendation in which she recommended that the stay be denied (Doc. 13). The

18   Government objected (Doc. 14). Petitioner replied to the Government's objection (Doc.

19   15).

20   In his reply, Petitioner noted two significant changes in circumstances since the

21   Report and Recommendation was issued. First, the Supreme Court granted certiorari in

22   the case of *Dimaya v. Lynch*, 803 F.3d 1110 (9th Cir. 2015). The Supreme Court's merits

23   decision could have a significant impact on the outcome of this case. Second, Petitioner

24   disclosed that he will be in custody until February 2, 2038, regardless of the outcome of

25   this case (Doc. 15 at 1-2). This fact significantly changes the prejudice analysis of the

26   Report and Recommendation, which assumed Petitioner's release date (if he prevailed in

27   this case) would be January 2018 (Doc. 13 at 10).
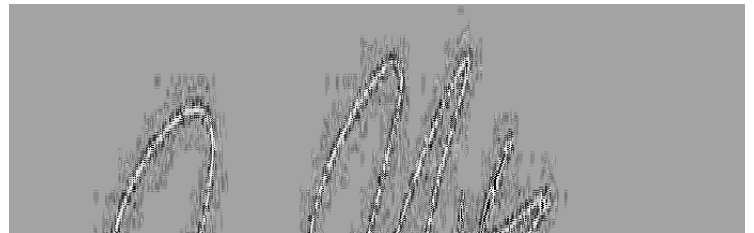
28   For the foregoing reasons,

1   IT IS ORDERED that the Report and Recommendation (Doc. 13) is rejected.[1]

2   IT IS FURTHER ORDERED that the motion to stay (Doc. 4) is granted.

3   IT IS FINALLY ORDERED that the Government must move to lift the stay

4   within 5 days of *Beckles v. United States*, 616 Fed. App'x. 415 (11th Cir. 2015), cert.

5   granted, 136 S. Ct. 2510 (U.S. June 27, 2016) (No. 15-8544) and *Dimaya v. Lynch*, 803

6   F.3d 1110 (9th Cir. 2015) cert. granted, --- S. Ct. ----, 2016 WL 3232911 (Sept. 29, 2016)

7   (No. 15-1498) being decided by the Supreme Court (subject to any further orders issued

8   by the Magistrate Judge).

9   Dated this 31st day of October, 2016.

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[1] This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1).