

6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
8

9 Abraham Flores-Angeles,

10 Movant,

11 v.

12 United States of America,

13 Respondent.  
14

No. CV-16-02067-PHX-SRB (CDB)  
CR-10-00506(4)-PHX-SRB  
**ORDER**

15 Movant Abraham Flores-Angeles filed an Amended Motion to Vacate, Set Aside,  
16 or Correct Sentence Under 28 U.S.C. § 2255 on August 9, 2016 arguing that his § 924(c)  
17 conviction should be vacated. The matter was stayed pending the United States Supreme  
18 Court's decision in *Sessions v. Dimaya*, 138 S. Ct. 1204(2018) and the Ninth Circuit Court  
19 of Appeals' decision in *United States v. Begay*, 934 F.3d 1033 (9th Cir. 2019). After the  
20 stay was lifted, the Government responded to the § 2255 motion conceding that Movant's  
21 motion should be granted, his § 924(c) conviction vacated, and Movant resentenced on the  
22 other three counts of conviction.  
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25 The Magistrate Judge filed her Report and Recommendation on February 3, 2020  
26 recommending that Movant's Motion to Vacate, Set Aside, or Correct Sentence be granted.  
27 In the Report and Recommendation, the Magistrate Judge advised the parties that they had  
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1 fourteen days from the date of service of a copy of the Report and Recommendation within  
2 which to file specific written objections with the Court. The time to file such objections  
3 has expired and no objections to the Report and Recommendation have been filed.  
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5 The Court finds itself in agreement with the Report and Recommendation of the  
6 Magistrate Judge.


7 **IT IS ORDERED** adopting the Report and Recommendation of the Magistrate  
8 Judge as the Order of this Court. (Doc. 25)  
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10 **IT IS FURTHER ORDERED** granting Movant's Motion to Vacate, Set Aside or  
11 Correct Sentence Under 28 U.S.C. § 2255. (Doc. 1)  
12

13 **IT IS FURTHER ORDERED** vacating Movant's conviction and sentence as to  
14 Count Three.

15 **IT IS FURTHER ORDERED** that re-sentencing will be set for Counts One, Two  
16 and Four.  
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18 Dated this 21st day of February, 2020.  
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23 Susan R. Bolton  
24 United States District Judge  
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