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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Bernardo Mancinas-Flores,
Movant/Defendant,
v.
United States of America,
Respondent/Plaintiff.


No. CV-16-03183-PHX-NVW (JFM)
CR-05-1086-1-PHX-NVW

ORDER

This proceeding pursuant to 28 U.S.C. § 2255 challenges Bernardo Mancinas-Flores' sentence in Case No. CR-05-1086-001. The original *pro se* motion summarily alleges, "Petitioner was charged with 18 U.S.C. § 924(c) and at sentencing the Court used the residual clause to enhance Petitioner's sentence." Before the Court is the United States' Unopposed Motion for Stay (Doc. 15) asking to stay the motion until cases now pending in the Supreme Court of the United States and in the United States Court of Appeals for the Ninth Circuit are decided. Also before the Court is the Report and Recommendation (Doc. 18) of the Magistrate Judge recommending that the Unopposed Motion for Stay be granted. Those other cases do not deal with whether Hostage Taking, 18 U.S.C. § 1203, is a crime of violence. In any event, it does not appear that classification of Hostage Taking depends on the residual clause for definition of "crime of violence." If there is anything beyond the bare assertion in the Petition to support that, the parties have not pointed it out and the Court has not found it. There is no justification for delaying this proceeding further.

1 IT IS THEREFORE ORDERED that the Report and Recommendation (Doc. 18)
2 of the Magistrate Judge is rejected and the United States' Unopposed Motion for Stay
3 (Doc. 15) is denied. The United States shall file a response to the motion by April 28,
4 2017.

5 Dated this 4th day of April, 2017.

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Neil V. Wake
Senior United States District Judge