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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

9 Brandon Hullaby,
10 Movant/Defendant.
11 v.
12 United States of America,
13 Respondent/Plaintiff

No. CV-16-03793-PHX-SRB (JFM)
CR-09-01406-PHX-SRB
ORDER

ORDER

15 Movant, Brandon Hullaby, filed a Motion to Vacate, Set Aside, or Correct
16 Sentence pursuant to 28 U.S.C. § 2255 on May 4, 2016. On December 7, 2016 the
17 United States filed an Unopposed Motion to Stay seeking a stay pending the Ninth
18 Circuit's decision *United States v. Begay*, No. 14-10080 and Supreme Court's decision in
19 *Lynch v. Dimaya*, No. 15-1498.
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21 The Magistrate Judge filed his Report and Recommendation on February 1, 2017
22 recommending that the Unopposed Motion to Stay be granted. In the Report and
23 Recommendation, the Magistrate Judge advised the parties that they had fourteen days
24 from the date of service of a copy of the Report and Recommendation within which to
25 file specific written objections with the Court. The time to file such objections has
26 expired and no objections to the Report and Recommendation have been filed.
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The Court finds itself in agreement with the Report and Recommendation of the Magistrate Judge.

IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge as the Order of this Court. (Doc. 13)

IT IS FURTHER ORDERED granting Respondent/Plaintiff's Unopposed Motion to Stay. (Doc. 11)

IT IS FURTHER ORDERED this matter is stayed pending the Ninth Circuit's decision in *United States v. Begay*, No. 14-10080 and the Supreme Court's decision in *Lynch v. Dimaya*, No. 15-1498.

IT IS FURTHER ORDERED that the United States' response to the pending Motion to Vacate (Doc. 8) shall not be due until 30 days after the Ninth Circuit's decision in *United States v. Begay*, No. 14-10080 and the Supreme Court's decision in *Lynch v. Dimaya*, No. 15-1498 are both issued.

IT IS FURTHER ORDERED that the parties are required to file a status report regarding the continuance of the stay upon: (1) the issuance of any decision in *Begay* or *Dimaya*; and (2) in any event on or before July 15, 2017.

Dated this 16th day of February, 2017.

Susan R. Bolton
Susan R. Bolton
United States District Judge