

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Brandon Hullaby,
Movant/Defendant,
v.
United States of America,
Respondent/Plaintiff.

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

Movant, Brandon Hullaby, filed a Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 on May 4, 2016. On December 7, 2016 the United States filed an Unopposed Motion to Stay seeking a stay pending the Ninth Circuit's decision *United States v. Begay*, No. 14-10080 and Supreme Court's decision in *Lynch v. Dimaya*, No. 15-1498.

The Magistrate Judge filed his Report and Recommendation on February 1, 2017 recommending that the Unopposed Motion to Stay be granted. In the Report and Recommendation, the Magistrate Judge advised the parties that they had fourteen days from the date of service of a copy of the Report and Recommendation within which to file specific written objections with the Court. The time to file such objections has expired and no objections to the Report and Recommendation have been filed.

1 The Court finds itself in agreement with the Report and Recommendation of the
2 Magistrate Judge.

3
4 **IT IS ORDERED** adopting the Report and Recommendation of the Magistrate
5 Judge as the Order of this Court. (Doc. 13)


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

8
9 **IT IS FURTHER ORDERED** this matter is stayed pending the Ninth Circuit's
10 decision in *United States v. Begay*, No. 14-10080 and the Supreme Court's decision in
11 *Lynch v. Dimaya*, No. 15-1498.

12
13 **IT IS FURTHER ORDERED** that the United States' response to the pending
14 Motion to Vacate (Doc. 8) shall not be due until 30 days after the Ninth Circuit's decision
15 in *United States v. Begay*, No. 14-10080 and the Supreme Court's decision in *Lynch v.*
16 *Dimaya*, No. 15-1498 are both issued.

17
18 **IT IS FURTHER ORDERED** that the parties are required to file a status report
19 regarding the continuance of the stay upon: (1) the issuance of any decision in *Begay* or
20 *Dimaya*; and (2) in any event on or before July 15, 2017.

21
22 Dated this 16th day of February, 2017.

23
24
25
26
27
28


Susan R. Bolton
United States District Judge