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

Damien Miguel Zepeda,
Petitioner,
v.
United States of America,
Respondent.

No. CV-17-01229-PHX-ROS (JFM)

ORDER

Petitioner, who is represented by counsel, has previously sought to stay the proceedings pending decisions by the Supreme Court in *Sessions v. Dimaya*, No. 15-1498, and the Ninth Circuit in *United States v. Begay*, No. 14-10080 (Docs. 18, 22, 28.) Each stay has been granted. (Docs. 19, 25, 30.) The parties now jointly move to extend the stay pending the Ninth Circuit’s anticipated en banc decision on motion for rehearing in *United States v. Orona*, 923 F.3d 1197 (9th Cir. 2019). (Doc. 34.) In a Report and Recommendation, Magistrate Judge James F. Metcalf recommended granting this motion. (Doc. 35.)

Whether a stay is warranted requires balancing “the competing interests which will be affected by the granting or refusal to grant a stay,” *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1109 (9th Cir. 2005), including “the possible damage which may result from the granting of a stay, the hardship or inequity which a party may suffer in being required to go forward, and the orderly course of justice measured in terms of the simplifying or complicating of issues, proof, and questions of law which could be expected to result from

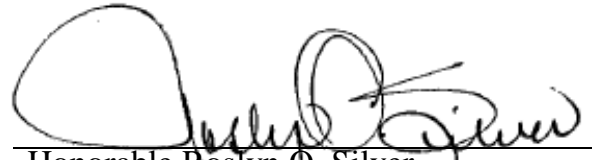
1 a stay.” CMAX, Inc. v. Hall, 300 F.2d 265, 268 (9th Cir. 1962). Here, neither party will
2 be prejudiced if the case is stayed. Further, permitting a stay may simplify the issues in
3 this case and promote judicial economy.

4 Accordingly,

5 **IT IS ORDERED** the Report and Recommendation (Doc. 35) is **ADOPTED IN**
6 **FULL**. The Joint Motion to Stay (Doc. 34) is **GRANTED**.

7 **IT IS FURTHER ORDERED** the parties shall file a status report regarding the
8 continuance of the stay: (1) within 30 days of the issuance of any decision on the Motion
9 for Rehearing by the Ninth Circuit in United States v. Orona, 923 F.3d 1197 (9th Cir.
10 2019); and (2) in any event on or before **March 16, 2020**, and every three months
11 thereafter.

12 Dated this 20th day of September, 2019.

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16 Honorable Roslyn O. Silver
17 Senior United States District Judge
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