

**Timing UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

BRIDGET BREAUX,

Petitioner,

v.

Case No: 6:16-cv-1164-Orl-40KRS  
(6:09-cr-159-Orl-40KRS)

UNITED STATES OF AMERICA,

Respondent.

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**ORDER**

This cause is before the Court on Petitioner’s Unopposed Motion to Stay 28 U.S.C. § 2255 Proceedings (“Unopposed Motion to Stay,” Doc. 8). Petitioner currently has pending a Motion to Vacate, Set Aside, or Correct Sentence (“Motion to Vacate,” Doc. 1) that was filed pursuant to 28 U.S.C. § 2255. In the Unopposed Motion to Stay, Petitioner requests that the Court stay this case pending a ruling from the Eleventh Circuit Court of Appeals in *McKinley v. United States*, Appeal No. 16-16188, in which “a certificate of appealability was granted on the issue of whether *Johnson* applies to § 924(c), and if so, whether bank robbery under 18 U.S.C. § 2113 qualifies as a ‘crime of violence.’”<sup>1</sup> (Doc. 11 at 1-2). The Government does not oppose the motion. (Doc. 8 at 2).

In the Motion to Vacate, Petitioner argues that his sentence is invalid in light of *Johnson* based on the residual clause in 18 U.S.C. § 924(c). The Court concludes that

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<sup>1</sup> *Johnson v. United States*, 135 S. Ct. 2551 (2015).

the procedural posture of this case and the interest of justice warrant staying the action pending final disposition in *McKinley*.

Accordingly, it is **ORDERED** as follows:

1. Petitioner's Unopposed Motion to Stay 28 U.S.C. § 2255 Proceedings (Doc. 8) is **GRANTED**. This case is **STAYED** pending final disposition from the Eleventh Circuit Court of Appeals in *McKinley*.

2. Within fifteen (15) days from when the Eleventh Circuit Court of Appeals issues a ruling with regard to the *McKinley* case, Petitioner shall notify the Court in writing. The failure to do so may result in the dismissal of this case without further notice.

3. The Clerk of the Court is directed to terminate any other pending motions in this case and any related section 2255 motions pending in criminal case 6:09-cr-159-Orl-40KRS. It appears that Doc. 82 in criminal case 6:09-cr-159-Orl-40KRS remains pending.

4. The Clerk of the Court is directed to administratively close this case.

**DONE** and **ORDERED** in Orlando, Florida on March 29, 2017.

  
PAUL G. BYRON  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record  
OrIP-2 3/29