

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION

Case Number: 19-14264-CIV-MARTINEZ-REID
Criminal Case Number: 10-14069-CR-MARTINEZ

JEFF JUNIOR HOLLAND,

Movant,

vs.

UNITED STATES OF AMERICA,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

THE MATTER was referred to the Honorable Lisette M. Reid, United States Magistrate Judge, for a Report and Recommendation on Movant's Motion to Vacate or Reduce Sentence pursuant to 28 U.S.C. § 2255, [ECF Nos. 1–2]. Magistrate Judge Reid filed a Report and Recommendation, [ECF No. 16], recommending that this action be stayed and held in abeyance pending the Eleventh Circuit's determination regarding a *Davis* claimant's burden of proof in the federal habeas context. The Court has reviewed the entire record and notes that no objections have been filed. After careful consideration, it is hereby:

ADJUDGED that United States Magistrate Judge Reid's Report and Recommendation, [ECF No. 16], is **AFFIRMED** and **ADOPTED**. Accordingly, it is:

ADJUDGED that

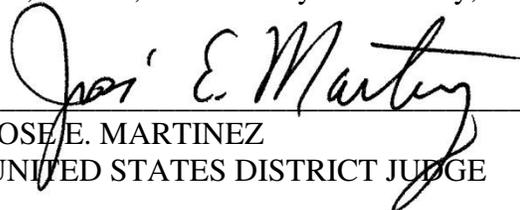
1. Movant's Motion to Vacate or Reduce Sentence pursuant to § 2255 is **STAYED**. This case shall be held in abeyance until the Eleventh Circuit articulates the proper burden of proof for a *Davis* claimant under 28 U.S.C. § 2255. *See Garcia v. United States*, 984 F.3d 1367 (11th Cir. 2021), *vacated by* 985 F.3d 850 (11th Cir. 2021) (holding decision in abeyance pending a

decision in *Granda v. United States*, No. 17-15194, or *Foster v. United States*, No. 19-14771, or both).

2. This case is **CLOSED** for administrative purposes only and shall not affect the substantive rights of the parties.

3. The parties SHALL notify the Court **within ten (10) days** of the Eleventh Circuit's resolution of one or both of the foregoing cases. The parties shall file both a status report, attaching the Eleventh Circuit's mandate, as well as a motion to re-open the case.

DONE AND ORDERED in Chambers at Miami, Florida, this 17th day of February, 2021.



JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

Copies provided to:
Magistrate Judge Reid
All Counsel of Record