

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

DARTANUM DEMETRIUS IVEY,)
)
 Petitioner,)
)
 v.) CV 116-055
) (Formerly CR 109-104)
 UNITED STATES OF AMERICA,)
)
 Respondent.)

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DARTANUM DEMETRIUS IVEY,)
)
 Petitioner,)
)
 v.) CV 116-075
) (Formerly CR 109-104)
 UNITED STATES OF AMERICA,)
)
 Respondent.)

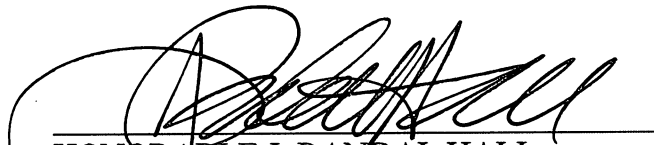
ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed. In lieu of objections, Petitioner has filed a motion to hold CV 116-55 in abeyance. (Doc. no. 7.) Petitioner argues that the case should be stayed due to the Supreme Court's review of Beckles v. United States, 616 F. App'x 415, 416 (11th Cir. 2015), cert. granted, No. 15-8544, 2016 WL 1029080 (U.S. June 27, 2016). Because Beckles addressed the propriety of applying Johnson v. United States, 135 S. Ct. 2551 (2015) to § 4B.1 of the Sentencing

Guidelines and not 18 U.S.C. § 924(c), the Court **DENIES** Petitioner's motion. (CV 116-055, doc. no. 7.)

Accordingly, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **DENIES** Petitioner's motion to amend (CV 116-55, doc. no. 4.), **TERMINATES** Petitioner's second § 2255 motion, and **CLOSES** CV 116-75. The Court will address his original § 2255 motion in CV 116-55 on the merits.

SO ORDERED this 4th day of August, 2016, at Augusta, Georgia.


HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA