

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

JAMES ANDREW ARENDER,)
)
Petitioner,)
)
v.) No. 1:15-cv-00153-AGF
)
UNITED STATES OF AMERICA,)
)
Respondent.)

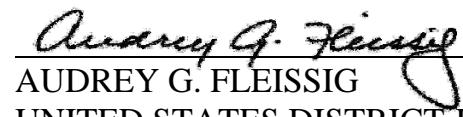
MEMORANDUM AND ORDER

This matter is before the Court on Petitioner's motion (Doc. No. 21) for leave to file a second amended motion under 28 U.S.C. § 2255, to vacate, set aside, or correct his sentence, based on *Johnson v. United States*, 135 S. Ct. 2551 (2015). Petitioner seeks to amend his argument that his prior Missouri conviction for second-degree burglary no longer qualifies as a predicate offense under the Armed Career Criminal Act ("ACCA"), 18 U.S.C. § 924(e), in order to address the Eighth Circuit's opinion in *United States v. Trevon Sykes*, 844 F.3d 712 (8th Cir. 2016). Specifically, Petitioner notes that a petition for rehearing en banc has been filed in *Sykes*, and Petitioner has advised the Court that, "[s]hould this Court grant [his] request to amend his current §2255 petition . . . , [he] will be asking the Court to stay its decision on the matter until *Sykes* request for rehearing is either denied or granted." Case No. 1:12-cr-00111, Doc. No. 77 (Jan. 26, 2017).

For good cause shown and no opposition having been filed,

IT IS HEREBY ORDERED that Petitioner's motion for leave to file a second amended § 2255 petition is **GRANTED**. (Doc. No. 21.) Petitioner shall file his second

amended petition and request for stay no later than **seven (7) days** from the date of this
Memorandum and Order.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 9th day of February, 2017.