

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

TIMOTHY WHALEY,)	
)	
Movant,)	
)	
v.)	No. 4:16CV341 HEA
)	
UNITED STATES OF AMERICA,)	
)	
Respondent,)	

MEMORANDUM AND ORDER

Before the Court is movant’s motion to lift the stay from these proceedings, as well as his supplemental memorandum in support of his motion to vacate. After reviewing the supplemental memorandum, the Court will grant movant’s motion to lift the stay and order the United States Office of Probation and Pretrial Proceedings to prepare a supplement to the Resentence Report.

Accordingly,

IT IS HEREBY ORDERED that movant’s motion to lift the stay in this matter [Doc. #12] is **GRANTED**.

IT IS FURTHER ORDERED that Docket No. 12 shall also be interpreted as a supplement to movant’s motion to vacate.

IT IS FURTHER ORDERED that respondent shall have thirty (30) days to respond to movant’s supplement to its motion to vacate.

IT IS FURTHER ORDERED that within a reasonable time, the Office of Probation and Pretrial Services shall file a supplement to its Resentence Report, after reviewing both the supplemental briefing in this matter, as well the Eighth Circuit case of *United States v. Bell*, 840 F.3d 963 (8th Cir. 2016).

IT IS FURTHER ORDERED that within fourteen days of the filing of the Supplemental Resentence Report by the Office of Probation and Pretrial Services, the parties shall file in movant's criminal case, simultaneous objections to the Supplemental Resentence Report, or statements that they have no objections. If objections are filed by either party, a Final Resentence Report shall be filed by the Probation Office within a reasonable time.

Dated this 31st day of January, 2017



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE