


**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:15-cv-236-FDW  
(1:05-CR-253-FDW-DLH-1)  
(3:06-cr- 152-FDW-1)**

<b>KHARI ATIBA MERRITT,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Respondent.</b>	)	
_____	)	

This matter is before the Court on a motion of the United States, (Doc. No. 7), to hold this action in abeyance until the Office of the Solicitor General of the United States makes a decision about whether to seek further review of the Fourth Circuit’s decision in United States v. Gardner, No. 14-4533, 2016 WL 2893881 (4th Cir. May 18, 2016).

This Court notes that this matter is currently already stayed, pursuant to a prior Order by this Court. (Doc. No. 6). The Court will allow the stay to continue. To this extent, the Motion to Stay, (Doc. No. 7), is **GRANTED**. The United States shall file a status update with this Court within seven days after the issuance of the Fourth Circuit’s mandate in Gardner.

  
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Frank D. Whitney  
Chief United States District Judge 