

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:13-cv-468-FDW
(3:00-cr-222-GCM-1)


TIMOTHY JEROME NIXON,)
)
) **Petitioner,**)
)
vs.)
)
UNITED STATES OF AMERICA,)
)
) **Respondent.**)
_____)


ORDER

This matter is before the Court on an unopposed motion of Petitioner, (Doc. No. 15), to hold his habeas petition pursuant to 28 U.S.C. § 2241¹ in abeyance pending resolution of the appeal in United States v. Wheeler, Fourth Circuit Case No. 16-6073. The Respondent has consented to the motion to stay.

IT IS HEREBY ORDERED that the Motion to Stay, (Doc. No. 15), is **GRANTED**. The United States shall have 45 days after the Fourth Circuit issues Wheeler in which to move to re-open this case and file its response.

Signed: September 11, 2017



Frank D. Whitney
Chief United States District Judge 

¹ Petitioner alternatively seeks coram nobis relief under 28 U.S.C. § 1651(a) or a writ of audita querela.