

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:15-cv-00575-MOC

MALCOLM SPRINGS,)
)
Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)
)

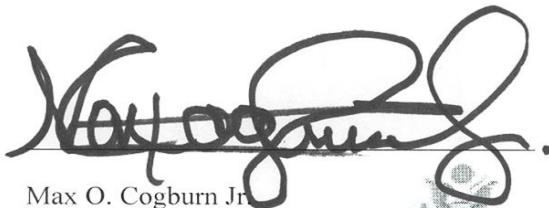
ORDER

THIS MATTER is before the Court on consideration of Petitioner's motion to stay this § 2255 proceeding pending disposition of two cases pending before the Fourth Circuit, each of which deals with the issue of whether common law robbery in North Carolina qualifies as a violent felony under the Armed Career Criminal Act, 18 U.S.C. § 924(e). See United States v. Gardner, Fourth Circuit No. 14-4533, and United States v. Billups, Fourth Circuit No. 14-4959. Petitioner contends that his § 2255 motion raises the same issue and that judicial resources would be preserved and the interests of justice would be served by a stay. Respondent does not oppose the motion. For the reasons stated in the motion, and for good cause shown, the motion will be granted.

IT IS, THEREFORE, ORDERED that Petitioner's motion to stay this § 2255 proceeding is **GRANTED**. (Doc. No. 8).

SO ORDERED.

Signed: May 10, 2016


Max O. Cogburn Jr.
United States District Judge