

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-00243-FDW
(3:14-cr-00015-FDW-1)**

KEVIN WATSON MCCLARY)
)
 Petitioner,)
)
 vs.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)

ORDER


THIS MATTER is before the Court on its own motion on review of the file in this matter.

This Court recently issued an Order to Show Cause directing the parties to respond and show cause why the stay in this matter should not be lifted. (Doc. 8). On February 8, 2021, Petitioner submitted an Unopposed Response to Show Cause Order and Motion to Hold Case in Abeyance. (Doc. 9). Petitioner moves this Court to continue holding this matter in abeyance pending the Fourth Circuit Court of Appeals' ruling in United States v. Dickerson, Case No. 20-6578. (Doc. 9). The Government does not oppose Petitioner's request to continue the stay. (Doc. 9). As such, the Court will continue the stay in this matter.

IT IS, THEREFORE, ORDERED that the stay in this case will remain pending. The Respondent shall have sixty (60) days from the entry of a decision by the Fourth Circuit Court of Appeals in United States v. Dickerson in which to respond to Petitioner's Motion to Vacate, Set Aside, or Correct Sentence.

IT IS SO ORDERED.

Signed: March 16, 2021



Frank D. Whitney
United States District Judge

