

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-00256-RJC
(3:08-cr-00134-RJC-DSC-3)

HEVERTH ULISES CASTELLON,)
)
 Petitioner,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)

ORDER

THIS MATTER is before the Court on consideration of the Respondent’s motion to stay disposition of this collateral proceeding. (Doc. No. 3).

Respondent moves for a 60-day extension from the date the Fourth Circuit decides United States v. Ali, No. 15-4433 (4th Cir.) in order to file a response to Petitioner’s § 2255 Motion to Vacate. Respondent contends that the issue before the Circuit court – whether robbery under the Hobbs Act and conspiracy to commit robbery – are “crimes of violence” under 18 U.S.C. § 924(c) following the Supreme Court’s decision in Johnson v. United States, 135 S. Ct. 2551 (2015), is relevant to Petitioner’s case.

Because issues involved in the Ali case are likely relevant to resolution of Petitioner’s § 2255 motion, and noting no objection from Petitioner, the Court will grant Respondent’s motion.

IT IS, THEREFORE, ORDERED that Respondent’s motion to stay is **GRANTED**, (Doc. No. 3), and Respondent shall have 60-days from the date the Circuit court renders its decision in United States v. Ali in order to file a response to Petitioner’s § 2255 Motion to Vacate. Petitioner may file a reply consistent with the Local Rules for this District.

SO ORDERED.

Signed: August 16, 2016

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

