

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:16-cv-328-MOC  
3:11-cr-277-MOC-DCK-1**

<b>RASHARD DEAN BOYD,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	
	)	<b><u>ORDER</u></b>
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Respondent.</b>	)	
_____	)	

**THIS MATTER** is before the Court on Petitioner’s Unopposed Motion to Lift Order of Abeyance, (Doc. 9).

The Court conducted an initial screening of Petitioner’s Motion to Vacate filed pursuant to 28 U.S.C. § 2255, (Doc. No. 1), and ordered the Government to respond, (Doc. No. 5). The Government filed a Motion to Stay, (Doc. No. 6), that was granted due to the pendency of United States v. Ali, No. 15-4433, (Doc. No. 7). Although Ali has not yet been finally decided, Petitioner filed a Supplemental Memorandum in Support of Section 2255 Motion arguing that his § 2255 claim can be decided based on United States v. Davis, 139 S.Ct. 2319 (2019), and United States v. Simms, 914 F.3d 229 (4<sup>th</sup> Cir. 2019). Petitioner filed the instant Unopposed Motion to Lift Order of Abeyance, (Doc. No. 9), asking that the Court order the Government to file an Answer or other response within 45 days. The Motion will be granted.

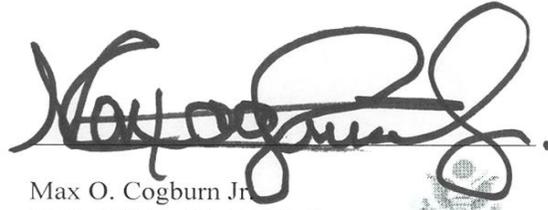
**IT IS, THEREFORE, ORDERED** that

1. Petitioner’s Unopposed Motion to Lift Order of Abeyance, (Doc. 9), is **GRANTED**.
2. The Clerk of Court is instructed to lift the Order of Abeyance, (Doc. No. 7), and reopen

this case.

3. The Respondent shall file an Answer or other response no later than **forty-five (45)** days from entry of this Order.

Signed: September 16, 2019



Max O. Cogburn Jr.  
United States District Judge