

IN THE UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF NORTH CAROLINA
 CHARLOTTE DIVISION
 3:16-cv-00381-GCM
 (3:00-cr-00174-GCM-2)

KAIYY GAREE DAVIS,)
)
 Petitioner,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)

ORDER

THIS MATTER is before the Court on consideration of Respondent’s motion to stay disposition of this collateral proceeding. (Doc. No. 3). Petitioner does not object.

Respondent moves for a 60-day extension from the date the Fourth Circuit decides United States v. Ali, No. 15-4433 and United States v. Simms, No. 15-4640, to file a response to Petitioner’s § 2255 Motion to Vacate. In these cases, the Court is considering whether the Supreme Court’s decision in Johnson v. United States, 135 S. Ct. 2551 (2015), invalidates the residual clause of 18 U.S.C. § 924(c)(3)(B) on the grounds that it is unconstitutionally vague.

Because issues in the Ali and Simms cases are likely relevant to the resolution of Petitioner’s case, 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 decisions in United States v. Ali and United States v. Simms to file a response to Petitioner’s § 2255 Motion to Vacate.

SO ORDERED.

Signed: September 16, 2016

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

