

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-cv-384-MOC
(3:11-cr-80-MOC-DSC-1)**

ZAVIER MARQUIS DAVIS,)
)
 Petitioner,)
)
 vs.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)

ORDER

THIS MATTER is before the Court on its own motion and a Motion to Stay, (Doc. No. 9), filed by counsel for Petitioner.

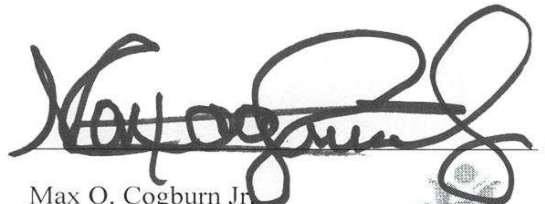
The Court ordered the parties to file a Response indicating why this matter should not proceed based on the United States Supreme Court’s decision in United States v. Davis, No. 18-431. Counsel for Petitioner has filed this Motion to Stay pending the Fourth Circuit’s decision in United States v. Taylor, No. 19-7616 in which a certificate of appealability was granted, in part, on the issue of whether attempted Hobbs Act robbery categorically qualifies as a predicate crime of violence for purposes of 18 U.S.C. § 924(c). Counsel for the Government consents to this Motion. (Doc. No. 9 at 2). The Court finds that the Motion to Stay is in the interests of justice and judicial economy and will be granted.

IT IS, THEREFORE, ORDERED that:

1. Petitioner’s Motion to Stay, (Doc. No. 9), is **GRANTED**.
2. This case is held in abeyance pending the Fourth Circuit’s consideration of Taylor, No. 19-7616. The Government shall have **60 days** following the Fourth Circuit’s

issuance of its mandate in Taylor file an answer, motion, or other response to the §
2255 Motion to Vacate.

Signed: April 27, 2020



Max O. Cogburn Jr.
United States District Judge