

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:16-cv-00418-MOC  
(3:93-cr-00264-MOC-4)**

**ANTOINE DWAYNE WELLS,** )  
 )  
 **Petitioner** )  
 )  
 **vs.** )  
 )  
 **UNITED STATES OF AMERICA,** )  
 )  
 **Respondent.** )  
 \_\_\_\_\_ )

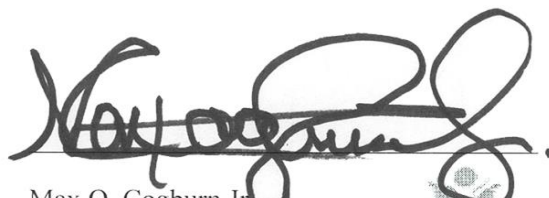
**ORDER**

**THIS MATTER** is before the Court upon Petitioner’s unopposed Motion to hold this action in abeyance pending a decision by the Fourth Circuit Court of Appeals in United States v. Brown, No. 16-7056. (Doc. No. 7.) Brown, like Petitioner, was sentenced as a career-offender when the Sentencing Guidelines were mandatory, rather than advisory, and argues that the Supreme Court’s decision in Beckles v. United States, 137 S. Ct. 886 (2017), does not resolve whether his sentence is invalid under United States v. Johnson, 135 S. Ct. 2551 (2015).

For the reasons stated therein, and without objection from counsel for the Government, the Court concludes the Motion should be granted.

**IT IS, THEREFORE, ORDERED** that the Motion to Hold Petitioner’s Motion to Vacate in Abeyance (Doc. No. 7) is **GRANTED**, and this action is **STAYED** pending the Fourth Circuit’s decision in United States v. Brown, No. 16-7056. Petitioner shall have 14 days from the date the Fourth Circuit issues its mandate in Brown to file a reply to the Government’s Response to the Motion to Vacate.

Signed: May 18, 2017

  
Max O. Cogburn Jr.  
United States District Judge