UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

3:16-cv-00438-FDW (3:12-cr-00146-FDW-1)

WILLIAM SUTTLES-BARDEN,)
Plaintiff,)
vs.	ORDER
UNITED STATES OF AMERICA,))
Defendant.)
)

THIS MATTER is before the Court on its own motion on the Government's Response to Order to Show Cause [Doc. 7] and the United States Supreme Court's decision in <u>United States v.</u> Davis, No. 18-431.

Petitioner's Section 2255 Motion to Vacate Sentence [Doc. 1] has been stayed since September 2, 2016, pending the decision of the Fourth Circuit Court of Appeals in <u>United States v. Ali</u>, No. 15-4433, or <u>United States v. Simms</u>, No. 15-4640, and the Supreme Court's decision in <u>Beckles v. United States</u>, No. 15-8455. [Doc. 4]. The Fourth Circuit stayed <u>Ali</u> pending the Supreme Court's decision in <u>United States v. Davis</u>, No. 18-431. On March 6, 2017, the Supreme Court decided <u>Beckles</u>. On June 24, 2019, the Supreme Court decided <u>Davis</u>. On September 12, 2019, the Court ordered the parties to show cause, within 14 days, as to why the stay should not be lifted in light of <u>Davis</u>. On September 26, 2019, the Government filed a response indicating its agreement that the stay should be lifted and requesting 60 days to respond to the Petitioner's Section 2255 motion to vacate. [Doc. 7].

IT IS, THEREFORE, ORDERED that the stay in this matter is hereby LIFTED and the

Government shall have sixty (60) days from this Order to file its response in this matter.

Signed: September 30, 2019

Frank D. Whitney

Chief United States District Judge