

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:20-cv-00009-MOC  
(3:16-cr-00233-DCK-1)**

**JAMES SCOTT ERVIN, JR.,** )  
 )  
 **Petitioner,** )  
 )  
 **vs.** )  
 )  
 **UNITED STATES OF AMERICA,** )  
 )  
 **Respondent.** )  
 \_\_\_\_\_ )


**ORDER**

**THIS MATTER** is before the Court on its own motion on the Government’s Response to Order to Show Cause [Doc. 16] and the United States Supreme Court’s decision in Greer v. United States, 141 S.Ct. 2090 (2021).

For the reasons stated in the Court’s Show Cause Order [Doc. 15] and on the Government’s agreement that the stay in this matter should be lifted [Doc. 16], the Court will lift the stay and order that the Government has 45 days to file its response to the Petitioner’s Section 2255 Motion to Vacate [Doc. 1]. In its response, the Government should also respond to Petitioner’s other pending motions [Docs. 2, 3, 9, 10, 12-14], as appropriate.

**IT IS, THEREFORE, ORDERED** that the stay in this matter is hereby **LIFTED** and the Government shall have forty-five (45) days from this Order to file its response in this matter in accordance with the terms of this Order.

Signed: July 14, 2021

  
Max O. Cogburn Jr.  
United States District Judge