

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Mikhael Dorise,	)	C/A No.: 1:17-1881-JFA
	)	
Petitioner,	)	
	)	
v.	)	ORDER
	)	
Warden Bragg,	)	
	)	
Respondent.	)	
_____	)	

The *pro se* petitioner, Mikhael Dorise, brought this action pursuant to 28 U.S.C. § 2241, contending that the sentencing court erroneously imposed a sentence that exceeded the statutory maximum. He also alleged that the court erred in sentencing him as a career offender.

On November 9, 2017, this court adopted the Report and Recommendation of the Magistrate Judge and dismissed the § 2241 petition without prejudice and without requiring the respondent to file a return. The petitioner filed an appeal of that decision on November 27, 2017. Thereafter, on March 26, 2018, the Fourth Circuit Court of Appeals placed the petitioner’s case in abeyance pending its decision in *United States v. Wheeler*, No. 16-6073.

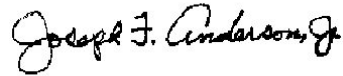
In its mandate filed March 1, 2019, the Fourth Circuit finalized its judgment of January 7, 2019, wherein it vacated and remanded this court’s order denying petitioner’s §2241 petition. The Court stated that because the district court did not have the benefit of its decision in *United States v. Wheeler*, 886 F.3d 415, 429 (4th Cir. 2018), the district court’s

order was vacated and remanded.

This matter is hereby referred back to the Magistrate Judge for the preparation of a new Report and Recommendation in consideration of the Fourth Circuit's decision in *Wheeler*.

IT IS SO ORDERED.

August 21, 2019  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge