
**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

TYLER JAMES MILLER,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

**MEMORANDUM DECISION AND
ORDER GRANTING STAY**

Case No. 1:16-cv-68-DAK

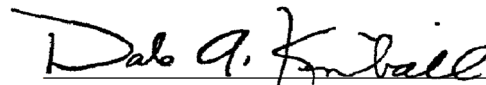
Case No. 1:19-cv-85-DAK

Judge Dale A. Kimball

This matter is before the court on Petitioner's Motion to Stay pending the Tenth Circuit's decision in *United States v. Baker*, 20-3062 (10th Cir.). In *Baker*, the Tenth Circuit granted a certificate of appealability on the issue of whether its prior cases determining that Hobbs Act robbery was categorically a crime of violence. Given that there is at least an argument to be made that the Tenth Circuit has not addressed the issue in depth, the court finds no harm in waiting for the Tenth Circuit's decision in *Baker* before addressing the merits of Petitioner's motion. Accordingly, the case is stayed pending the Tenth Circuit's decision in *United States v. Baker*, 20-3062 (10th Cir.).

DATED this 15th day of March, 2022.

BY THE COURT:



Dale A. Kimball,
United States District Judge