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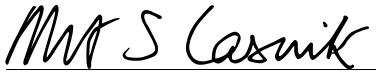
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH DUANE AGTUCA,)	Civil No. CV16-1981-RSL
)	Crim. No. CR93-407-RSL
Petitioner,)	
v.)	ORDER GRANTING MOTION TO
)	DETERMINE PETITIONER'S CLAIM
UNITED STATES OF AMERICA,)	AS TO HIS LIFE SENTENCE UNDER
)	THE ACCA AND NOT DEFER
Respondent.)	RULING UNTIL THE SUPREME
)	COURT DECIDES <i>SESSIONS V.</i>
)	<i>DIMAYA</i> , NO. 15-1498

THE COURT has considered Mr. Agtuca's motion to determine his claim as to his conviction and life sentence under the Armed Career Criminal Act and to not defer ruling until the Supreme Court decides *Sessions v. Dimaya*, No. 15-1498.

IT IS HEREBY ORDERED that motion for relief under 28 U.S.C. § 2255 will be considered in the normal course, and the Court will not stay or defer ruling on Petitioner's motion pending a decision in *Sessions v. Dimaya*, No. 15-1498, or decisions in pending Ninth Circuit cases involving armed bank robbery as a predicate for conviction under 18 U.S.C. § 924(c).

DONE this 7th day of August, 2017.


 Robert S. Lasnik
 United States District Judge

Presented by:

s/ Michael Filipovic
Federal Public Defender
Attorney for Kenneth Duane Agtuca