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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IVY BYRD GAINES,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

C17-264 TSZ
(related to CR03-496 TSZ)

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Pursuant to the parties’ stipulation, docket no. 16, this matter is again STAYED pending resolution of *United States v. Dominguez*, No. 14-10268, which is currently proceeding before the United States Court of Appeals for the Ninth Circuit. Although the Court agrees with the parties that the Ninth Circuit might provide guidance in *Dominguez* concerning whether a Hobbs Act robbery constitutes a “crime of violence” under the “elements clause” of 18 U.S.C. § 924(c)(3)(A), the Court also observes that the appellant in *Dominguez* has asked for re-examination of the holding in *Deal v. United States*, 508 U.S. 129 (1993), and that 18 U.S.C. § 924(c)(1)(C) was amended in late 2018, while this case was previously stayed. The parties are DIRECTED to file a Joint Status Report within fourteen (14) days after a decision is issued by the Ninth Circuit in *Dominguez* or any other case addressing either of the subjects described above, namely the status of Hobbs Act robberies or the vitality of *Deal* in light of the recent statutory amendment, **or by December 31, 2019**, whichever occurs earlier.

(2) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

Dated this 7th day of August, 2019.

William M. McCool
Clerk

s/Karen Dews
Deputy Clerk