

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

IN RE: *

28 U.S.C. §§ 2255 and 2241 MOTIONS * MISC. NO. 00-308
FOR CAREER OFFENDER
SENTENCING REDUCTIONS AND *
VACATUR OF 18 U.S.C. § 924(c) *
CONVICTION *

STANDING ORDER 2015-06

Multiple petitioners in this district have filed 28 U.S.C. § 2255 and 28 U.S.C. § 2241 motions challenging their career offender sentences under *Descamps v. United States*, 133 S. Ct. 2276 (2013). Specifically, in these cases, petitioners are arguing that under *Descamps*, one or more of the prior convictions that originally qualified them as career offenders under U.S.S.G. § 4B1.1 are no longer career offender predicates, and thus, they are now serving unlawful sentences. Many of these petitioners will now be supplementing their §§ 2255/2241 motions with challenges to their sentences based on *Johnson v. United States*, __ U.S. __, 135 S. Ct. 2551 (2015).

Additionally, many petitioners have already filed or will soon be filing 28 U.S.C. § 2255 or 28 U.S.C. § 2241 motions challenging their career offender sentences based on *Johnson*.

Further, some petitioners have already filed or will soon be filing 28 U.S.C. § 2255 or 28 U.S.C. § 2241 motions challenging their convictions under 18 U.S.C. § 924(c) based on *Johnson*.


This Court now Orders that the briefing schedule in all pending and anticipated cases involving *Johnson* challenges to career offender sentences on collateral review is suspended. The career offender cases will be held in abeyance pending the United States Court of Appeals for the Fourth Circuit's decision in *In Re: Hubbard*, No. 15-276. In that case, at issue is whether *Johnson* applies retroactively to career offender sentences on collateral review. The Fourth Circuit's

decision in *In Re: Hubbard* is likely to inform the outcome in federal habeas motions challenging career offender sentences under *Johnson*.

Finally, this Court also Orders that the briefing schedule in all pending and anticipated cases involving *Johnson* challenges to 18 U.S.C. § 924(c) convictions is suspended. The § 924(c) cases will be held in abeyance pending the Fourth Circuit's decision in consolidated cases, *United States v. McNeal* and *United States v. Stoddard*, No. 14-4871 (L), 14-4872. In these cases, at issue is whether the residual clause of § 924(c)(3), which defines "crime of violence" for purposes of a § 924(c) offense, is void for vagueness in light of *Johnson*. The Fourth Circuit's decision in *McNeal* and *Stoddard* is likely to inform the outcome in federal habeas motions challenging § 924(c) convictions under *Johnson*.

Therefore, this Court issues this Order for purposes of judicial efficiency. Within 30 days after the Fourth Circuit decides *In Re: Hubbard*, the parties must give the Chief Judge a status update on the pending §§ 2255/2241 cases involving *Johnson/Descamps* challenges to career offender sentences. Likewise, within 30 days after the Fourth Circuit decides *McNeal* and *Stoddard*, the parties must give the Chief Judge a status update on the pending §§ 2255/2241 cases involving *Johnson* challenges to § 924(c) offenses.

IT IS SO ORDERED this 12th day of November, 2015.



CATHERINE C. BLAKE, CHIEF JUDGE
UNITED STATES DISTRICT COURT