

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

UNITED STATES OF AMERICA)	
)	
)	Case No. 2:13CR00017
)	
v.)	OPINION AND ORDER
)	
ANDREW VILLALOBOS,)	By: James P. Jones
)	United States District Judge
Defendant.)	

*Jennifer R. Bockhorst, Assistant United States Attorney, Abingdon, Virginia;
Nancy C. Dickenson, Assistant Federal Public Defender, Abingdon, Virginia, for
Defendant.*

Defendant Andrew Villalobos had filed a pro se Motion to Amend his pro se Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 that had implicated *Johnson v. United States*, 135 S. Ct. 2551 (2015), and the court appointed the Federal Public Defender to represent Villalobos pursuant to Standing Order 2015-5. Presently before me is the parties' Joint Motion to Stay.

Petitioner was sentenced as a career offender in accordance with United State Sentencing Guideline § 4B1.2. The language of the career offender guideline is similar to the language the Supreme Court considered to be unconstitutionally vague in *Johnson*. The case *In re Creadell Hubbard*, No. 15-0276, is pending in the United States Court of Appeals for the Fourth Circuit, and its resolution may determine whether *Johnson* is applicable on collateral attack and, if so, whether *Johnson* voids the career offender guideline for vagueness. Because the resolution

of *Hubbard* may control the outcome of Villalobos' § 2255 motion, staying this matter will conserve court resources and promote efficiency and unity among courts.

For these reasons, it is hereby **ORDERED** as follows:

1. The Joint Motion to Stay is GRANTED; and
2. The § 2255 motion is STAYED until the resolution of *Hubbard* by the court of appeals.

ENTER: December 30, 2015

/s/ James P. Jones
United States District Judge