

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

UNITED STATES OF AMERICA,	:	
	:	CRIMINAL ACTION NO.
	:	3:94CR112
v.	:	
	:	
LUIS NOEL CRUZ,	:	JULY 30, 2018
Defendant.	:	

ORDER DENYING MOTION FOR RECONSIDERATION (DOC. NO. 2084)

The defendant's Motion to Reconsider (Doc. No. 2084) is denied. The defendant has not presented the court with any case law or evidence that was not considered by the court in its Order Granting the Motion to Stay. Nor has the defendant established that the court's Order was clear error or that reconsideration is needed to avoid manifest injustice. Although the defendant represents that the Second Circuit in United States v. Lopez-Cabrera may not necessarily have to decide the issue before it in a way that would control this case, there remains a reasonable possibility that the Second Circuit's decision will control the issue before this court. In light of this, the court continues to view the stay as prudent in light of the likely upcoming Second Circuit oral argument.

Given the court's denial of the Motion to Reconsider, it is not clear to the court whether the Motion also requests that the defendant be permitted to remain at Wyatt rather than be transferred back to custody in Florida. The defendant is hereby Ordered to advise the court by **August 10, 2018**, if he requests to remain at Wyatt pending the stayed sentencing. The court's prior Order directing the USMS to return Mr. Cruz to the BOP for placement in Florida is stayed pending the defendant's Response.

SO ORDERED.

Dated at New Haven, Connecticut this 30th day of July, 2018.

/s/ Janet C. Hall
Janet C. Hall
United States District Judge