

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 19a0468n.06

No. 18-5227

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Sep 05, 2019
DEBORAH S. HUNT, Clerk

UNITED STATES OF AMERICA,)
)
Plaintiff-Appellant,)
)
v.)
)
KEVIN GERDING,)
)
Defendant-Appellee.)
)
_____ /)

ORDER

Before: MERRITT, DAUGHTREY, and GRIFFIN, Circuit Judges.

The United States filed this appeal challenging defendant Kevin Gerding’s sentence. In light of *United States v. Stitt*, 139 S. Ct. 399 (Dec. 10, 2018), and *United States v. Quarles*, 139 S. Ct. 1872 (June 10, 2019), as well as intervening cases from our court, we vacate defendant’s sentence and remand this case to the district court for resentencing. Defendant’s motion for a continuance of oral argument is denied as moot.

ENTERED BY ORDER OF THE COURT



Deborah L. Hunt, Clerk