

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 10-15574  
Non-Argument Calendar

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FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JUNE 24, 2011 JOHN LEY CLERK
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D.C. Docket No. 2:10-cr-14034-JEM-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

VICENTE GUTIERREZ,  
a.k.a. Juan Jose Pavon-Cabrera,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Florida

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(June 24, 2011)

Before WILSON, PRYOR and FAY, Circuit Judges.

PER CURIAM:

Vicente Gutierrez appeals his sentence of imprisonment for 57 months after

pleading guilty to illegal re-entry after deportation. 8 U.S.C. § 1326(a). Gutierrez argues, and the government concedes, that the district court erred in enhancing his sentence eight levels, U.S.S.G. § 2L1.2(b)(1)(C), based on a finding that his prior conviction for second-degree stalking, Ky. Rev. Stat. Ann. § 508.150, constituted a “crime of violence,” 18 U.S.C. § 924(e)(2)(B)(i). Gutierrez also argues that his sentence is unreasonable. Because the district court clearly erred in imposing the eight-level enhancement, we need not address Gutierrez’s other arguments. We vacate Gutierrez’s sentence and remand for further proceedings.

**VACATED AND REMANDED.**