

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 15-13858
Non-Argument Calendar

D.C. Docket No. 1:08-cr-21104-DMM-13

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PERNELL D. SCOTT,
a.k.a. P-Dubb,

Defendant-Appellant.

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

(August 4, 2016)

Before HULL, MARCUS and BLACK, Circuit Judges.

PER CURIAM:

Pernell Scott, proceeding *pro se*, appeals the district court's denial of Scott's motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c) and Amendment 782. The Government concedes that the district court erroneously concluded that Scott is ineligible for a sentence reduction and suggests that we reverse the district court's order and remand for the district court to determine, in its discretion, whether a sentence reduction is warranted under the 18 U.S.C. § 3553(a) factors. *See Dillon v. United States*, 560 U.S. 817, 827, 130 S. Ct. 2683, 2691–92 (2010) (“At step one, § 3582(c)(2) requires the court to follow the Commission's instructions in § 1B1.10 to determine the prisoner's eligibility for a sentence modification and the extent of the reduction authorized. . . . At step two of the inquiry, § 3582(c)(2) instructs a court to consider any applicable § 3553(a) factors and determine whether, in its discretion, the reduction authorized by reference to the policies relevant at step one is warranted in whole or in part under the particular circumstances of the case.”).

VACATED and REMANDED.