

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-4356

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GREGORY MCNEILL,

Defendant - Appellant.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. Andre M. Davis, District Judge.
(1:03-cr-00033-AMD-1)

Submitted: July 30, 2009

Decided: August 26, 2009

Before WILKINSON, NIEMEYER, and MOTZ, Circuit Judges.

Affirmed in part, vacated in part, and remanded by unpublished
per curiam opinion.

Barry Coburn, COBURN & COFFMAN, for Appellant. Rod J.
Rosenstein, United States Attorney, Bonnie S. Greenberg,
Assistant United States Attorney, Baltimore, Maryland, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Gregory McNeill pled guilty to bank robbery, in violation of 18 U.S.C. § 2113(a), (f) (2006). He was sentenced to 140 months' imprisonment. In fashioning McNeill's sentence, the district court determined that McNeill was a career offender, based in part on McNeill's prior convictions for escape from confinement and attempted escape. This appeal was held in abeyance for the Supreme Court's decision in Chambers v. United States, 129 S. Ct. 687 (2009). McNeill has now filed an unopposed motion to remand his case to the district court for resentencing in light of Chambers.

We grant the motion for remand to allow the district court to reconsider McNeill's sentence in light of the Chambers decision. McNeill's appellate brief indicates that McNeill's issues on appeal relate solely to the career offender designation. Therefore, we affirm his conviction, vacate the sentence imposed by the district court, and remand for reconsideration of the sentence. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED IN PART,
VACATED IN PART,
AND REMANDED