UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 08-4853

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UNITED STATES OF AMERICA,

             Plaintiff – Appellee,

       v.

AUNDRA LOGAN,

             Defendant – Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh.   James C. Dever III, District Judge. (5:08-cr-00020-D-1)

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Submitted: March 23, 2010   Decided: September 10, 2010

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Before WILKINSON, GREGORY, and SHEDD, Circuit Judges.

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Affirmed in part, vacated in part, and remanded by unpublished per curiam opinion.

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Richard A. McCoppin, MCCOPPIN & ASSOCIATES ATTORNEYS AT LAW, P.A., Cary, North Carolina, for Appellant.   George E. B. Holding, United States Attorney, Anne M. Hayes, Jennifer P. May-Parker, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Aundra Logan pled guilty without a plea agreement to escape from custody, in violation of 18 U.S.C. § 751(a) (2006). The district court determined that Logan was a career offender under the Sentencing Guidelines, see U.S. Sentencing Guidelines Manual § 4B1.1 (2007), and sentenced him to 36 months' imprisonment. Logan appeals his sentence, arguing that it should be vacated and the case remanded for resentencing in light of the Supreme Court's decision in Chambers v. United States, 129 S. Ct. 687 (2009). The Government does not oppose Logan's request.

We grant Logan's request for remand to allow the district court to reconsider Logan's sentence in light of Chambers. Logan's appellate brief indicates that he raises no issues on appeal other than a challenge to his designation as a career offender. Therefore, we affirm his conviction, vacate the sentence imposed by the district court, and remand for resentencing. 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