

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-5218

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PAUL BERNARD COLEMAN,

Defendant - Appellant.

No. 10-5313

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PAUL BERNARD COLEMAN,

Defendant - Appellant.

On Remand from the Supreme Court of the United States.
(S. Ct. No. 11-9604)

Submitted: November 26, 2012

Decided: December 5, 2012

Before WILKINSON, NIEMEYER, and KING, Circuit Judges.

Affirmed in part, vacated in part, and remanded by unpublished per curiam opinion.

Craig W. Sampson, Sr., BARNES & DIEHL, PC, Chesterfield, Virginia, for Appellant. Neil H. MacBride, United States Attorney, N. George Metcalf, Richard D. Cooke, Assistant United States Attorneys, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

A federal jury convicted Paul Bernard Coleman of two counts of possession with intent to distribute cocaine base ("crack"), in violation of 21 U.S.C. § 841(a) (2006). On December 20, 2010, the district court sentenced Coleman to the statutory mandatory minimum term of life imprisonment. On appeal, this court affirmed the district court's judgment. See United States v. Coleman, 445 F. App'x 642 (4th Cir. 2011) (unpublished).

Subsequently, in Dorsey v. United States, 567 U.S. ___, 132 S. Ct. 2321 (2012), the Supreme Court determined that the Fair Sentencing Act ("FSA") applies to defendants who committed their offenses prior to the effective date of the Act, August 3, 2010, but were sentenced after that date. Id. at 2326-36. The Court then granted Coleman's petition for a writ of certiorari and remanded the appeal to this court based on Dorsey. As Coleman was sentenced after the effective date of the FSA, we affirm the conviction but vacate the sentence and remand to the district court for resentencing in light of Dorsey. We dispense with oral argument because the facts and legal contentions are adequately presented in the

materials before this court and argument would not aid the decisional process.

AFFIRMED IN PART,
VACATED IN PART,
AND REMANDED