

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-4764

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DARRIAN JARRELL ABBOTT,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Catherine C. Eagles, District Judge. (1:13-cr-00426-CCE-1)

Submitted: November 13, 2015

Decided: December 4, 2015

Before MOTZ, THACKER, and HARRIS, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

Louis C. Allen, Federal Public Defender, Mireille P. Clough, Assistant Federal Public Defender, Winston-Salem, North Carolina, for Appellant. Ripley Rand, United States Attorney, Robert A.J. Lang, Assistant United States Attorney, Winston-Salem, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Darrian Jarrell Abbott appeals from his 180-month sentence imposed pursuant to his guilty plea to one count of possession of ammunition by a felon. He was sentenced as an armed career criminal under 18 U.S.C. § 924(e) (2012), based in part on a North Carolina conviction for Larceny from the Person. On appeal, both parties agree that Larceny from the Person is no longer a qualifying offense under § 924(e)(2)(B)(ii) after the Supreme Court's decision in Johnson v. United States, 135 S. Ct. 2551 (2015). Accordingly, we vacate Abbott's sentence 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.

VACATED AND REMANDED