

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 17-7307**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DONNIE WAYNE NIPPER,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Thomas D. Schroeder, Chief District Judge. (1:04-cr-00434-TDS-1; 1:16-cv-00867-TDS-JEP)

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Submitted: September 10, 2018

Decided: September 18, 2018

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Before WILKINSON, NIEMEYER, and KING, Circuit Judges.

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Vacated and remanded by unpublished per curiam opinion.

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Donnie Wayne Nipper, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Donnie Wayne Nipper seeks to appeal the district court's orders accepting the magistrate judge's recommendation, denying Nipper's 28 U.S.C. § 2255 (2012) motion challenging his sentence as an armed career criminal based on *Johnson v. United States*, 135 S. Ct. 2551 (2015), and denying reconsideration. We previously placed the appeal in abeyance for *United States v. Hodge*, \_\_ F.3d \_\_, 2018 WL 3999898 (4th Cir. Aug. 22, 2018). In light of our decision in *Hodge*, we grant a certificate of appealability, deny the pending motions as moot, vacate the district court's orders, and remand to the district court for reconsideration of the § 2255 motion in light of *Hodge*. 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.

*VACATED AND REMANDED*