

**ON REHEARING**

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 18-7071**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BOBBY MICHAEL GILYARD, a/k/a Big Mike,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Anderson. Henry M. Herlong, Jr., Senior District Judge. (8:09-cr-00274-HMH-1)

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Submitted: January 14, 2019

Decided: January 29, 2019

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Before NIEMEYER and THACKER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Vacated and remanded by unpublished per curiam opinion.

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Bobby Michael Gilyard, Appellant Pro Se. Alan Lance Crick, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Greenville, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Bobby Michael Gilyard appeals the district court's August 2, 2018, order denying his Fed. R. Civ. P. 60(b)(6) motion for relief from its prior order denying his 18 U.S.C. § 3582(c)(2) (2012) motions for a sentence reduction based on the Fair Sentencing Act of 2010. We previously affirmed the district court's order. Gilyard petitions for rehearing based on the First Step Act of 2018, Pub. L. No. 115-391, § 404, 132 Stat. \_\_ (2018). Upon review of the petition, we grant rehearing, vacate the district court's order, and remand for its reconsideration in light of the First Step Act of 2018. 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*