

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-7152

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KEVIN LAMONT WALKER,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Newport News. Rebecca Beach Smith, Senior District Judge. (4:05-cr-00005-RBS-JEB-1)

Submitted: November 25, 2019

Decided: December 5, 2019

Before AGEE and KEENAN, Circuit Judges, and SHEDD, Senior Circuit Judge.

Vacated and remanded by unpublished per curiam opinion.

Kevin Lamont Walker, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kevin Lamont Walker appeals the district court's order denying his 18 U.S.C. § 3582(c)(1)(B) (2012) motion seeking relief under Section 404 of the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194. From the district court's summary order, we cannot discern whether the court believed that a sentence reduction was unwarranted or whether the court determined that Walker—who is serving a revocation sentence originating from a 2005 conviction for conspiracy to distribute and possess with intent to distribute five grams or more of cocaine base—was ineligible for relief. Based on our review of the record, we conclude that Walker was, in fact, eligible for a sentence reduction. *See United States v. Venable*, __ F.3d __, __, 2019 WL 6139674, at *4-6 (4th Cir. Nov. 20, 2019).

Accordingly, we vacate the district court's order and remand for consideration of Walker's motion on the merits.* 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

* By this disposition, we express no view on Walker's entitlement to relief.