

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

June 11, 2012

No. 11-60537

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

ELBERT CARTER,

Defendant - Appellant

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 1:04-CR-72-2

Before JOLLY, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

We vacate the sentence imposed on the defendant for the reason that the district court gave the defendant no opportunity to allocute during the sentencing hearing, which under the circumstances here, was reversible plain error. Thus, the district court should bring the defendant before it, allow the defendant an opportunity to allocute, and resentence the defendant according to all applicable procedures. We express no opinion on the sentence to be imposed.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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VACATED and REMANDED.