USA v. Westerfield Doc. 920090421

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION
File Name: 09a0296n.06
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Nos. 07-3376, 07-3438

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff-Appellee,	)	
	)	
v.	)	O R D E R
	)	
JASON WESTERFIELD,	)	
	)	
Defendant-Appellant.	)	
	)	

Before: KEITH, GRIFFIN, and GIBSON, Circuit Judges.*

This case returns to us by order of the Supreme Court, *Westerfield v. United States*, 129 S. Ct. 1314 (2009), for reconsideration in light of *Chambers v. United States*, 129 S. Ct. 687 (2009). On remand, and after careful consideration of the issues raised by each sentence affirmed in this consolidated appeal, we reinstate our opinion in case No. 07-3376 and remand case No. 07-3438, as this is the only judgment affected by the *Chambers* decision.

We therefore REMAND Case No. 07-3438 to the district court for reconsideration and further proceedings necessary in light of *Chambers v. United States.*

ENTERED BY ORDER OF THE COURT

Leonard Green, Clerk

*The Honorable John R. Gibson, Senior Circuit Judge, United States Court of Appeals for the Eighth Circuit, sitting by designation.

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