

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

No. 09-3231

FILED**Sep 14, 2011**

LEONARD GREEN, Clerk

UNITED STATES OF AMERICA,
Plaintiff - Appellee,

v.

GARY J. DUDECK, JR.,
Defendant - Appellant.

Before: KEITH, MCKEAGUE, and KETHLEDGE, Circuit Judges.

AMENDED JUDGMENTOn Appeal from the United States District Court
for the Northern District of Ohio at Cleveland.

THIS CAUSE was heard on the record from the district court and was submitted on briefs without oral argument.

IN CONSIDERATION WHEREOF, it is ORDERED that the case is REMANDED to the district court for further fact-finding. Should the district court uphold convictions on all counts, we further AFFIRM the entry of the 120-month sentence. Otherwise the district court is instructed to vacate one or both convictions for possession under Counts Two and/or Count Three and resentence defendant Gary J. Dudeck, Jr., accordingly.

ENTERED BY ORDER OF THE COURT

Leonard Green, Clerk