

Christman orally moved to continue his release pending sentencing. Alternatively, he moved to modify his detention so that he could continue to take classes at a local community college. The district court denied the motion, concluding that Christman was subject to mandatory detention under 18 U.S.C. § 3143(a)(2), and that it lacked authority under 18 U.S.C. § 3145(c) to consider whether Christman established exceptional reasons warranting his release pending sentencing. Christman appeals.

We review a district court's factual findings concerning release pending sentencing for clear error. *See United States v. Hazime*, 762 F.2d 34, 37 (6th Cir. 1985). We review de novo the district court's legal conclusions. *Id.*

A judicial officer shall order a defendant detained pending sentencing if he has been found guilty of an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act. 18 U.S.C. § 3143(a)(2). A defendant subject to detention under § 3143(a)(2) may be released if it is "clearly shown," among other things, that there are "exceptional reasons" why his detention is inappropriate. 18 U.S.C. § 3145(c).

Christman does not dispute that his guilty plea mandates his detention under § 3143(a)(2). Rather, he argues that he may be released under § 3145(c). Although we have never explicitly held in a published decision that the district court has authority to release a defendant being detained pursuant to § 3143(a)(2) upon a showing of "exceptional reasons" under § 3145(c), we have reached that conclusion in an unpublished decision. *United States v. Cook*, 42 F. App'x 803, 804 (6th Cir. Aug. 13, 2002) (unpublished). Given that holding, the unanimous agreement of other circuits that have considered the issue, *see id.* (collecting cases), and the government's concession of error in this case, we hold that the district court erred in not considering whether Christman established exceptional reasons to support his release pending sentencing. *See also United States v. Goforth*, 546 F.3d 712, 715 (4th Cir. 2008); *United States v. Garcia*, 340 F.3d 1013, 1014 n.1 (9th Cir. 2003).

For the foregoing reasons, we **REVERSE** the district court's order and **REMAND** this appeal with directions to the district court to consider whether exceptional reasons under 18 U.S.C. § 3145(c) warrant Christman's release pending sentencing. Rule 34(j)(2)(C), Rules of the Sixth Circuit.

ENTERED BY ORDER OF THE COURT

/s/ Leonard Green

Clerk