

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

No. 12-4481

UNITED STATES OF AMERICA,  
Plaintiff - Appellant,

v.

CHRISTOPHER J. MATEEN,  
Defendant - Appellee.**FILED**  
**Aug 26, 2014**  
DEBORAH S. HUNT, ClerkBefore: COLE, Chief Judge; BOGGS, BATCHELDER, MOORE, CLAY, GIBBONS,  
ROGERS, SUTTON, COOK, McKEAGUE, GRIFFIN, KETHLEDGE,  
WHITE, STRANCH, and DONALD, Circuit Judges.**JUDGMENT**On Appeal from the United States District Court  
for the Southern District of Ohio at Columbus.UPON CONSIDERATION of the petition for rehearing en banc, the supplemental briefs  
and arguments of counsel,IT IS ORDERED that the judgment of sentence is VACATED, and the case is  
REMANDED to the district court for resentencing with instructions to reconsider in the first  
instance whether Mateen's conviction for Gross Sexual Imposition triggers application of the  
statutory sentencing enhancement, consistent with the opinion of this court.**ENTERED BY ORDER OF THE COURT**

Deborah S. Hunt, Clerk