

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

No. 13-5623

UNITED STATES OF AMERICA,  
Plaintiff - Appellee,**FILED**  
**Apr 15, 2014**  
DEBORAH S. HUNT, Clerk

v.

MICHAEL KILGORE,  
Defendant - Appellant.

Before: MERRITT, MOORE, and CLAY, Circuit Judges.

**JUDGMENT**On Appeal from the United States District Court  
for the Eastern District of Tennessee at Chattanooga.

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

IN CONSIDERATION WHEREOF, it is ORDERED that the district court's imposition of a four-level enhancement is REVERSED, and the case is REMANDED for resentencing proceedings consistent with the opinion of this court.

**ENTERED BY ORDER OF THE COURT**

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Deborah S. Hunt, Clerk