

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with
Fed. R. App. P. 32.1

United States Court of Appeals

**For the Seventh Circuit
Chicago, Illinois 60604**

Submitted July 31, 2012
Decided October 3, 2012

Before

DIANE P. WOOD, *Circuit Judge*

ANN CLAIRE WILLIAMS, *Circuit Judge*

JOHN DANIEL TINDER, *Circuit Judge*

No. 11-2972

On Remand from the Supreme Court of
the United States

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

Appeal from the United States District
Court for the Eastern District of
Wisconsin

v.

DRACY L. JORDAN,
Defendant-Appellant.

No. 2:10-cr-00099-CNC-1

Charles N. Clevert, Jr., *Chief Judge*

ORDER

On July 31, 2012, the Supreme Court of the United States granted Dracy L. Jordan's petition for a writ of certiorari, vacated this court's judgment in the case, and remanded for further consideration in light of *Dorsey v. United States*, 567 U.S. –, 132 S. Ct. 2321 (2012). In accordance with Circuit Rule 54, both parties have filed statements of position setting forth the action that they believe should be taken. Each has recommended that Jordan is entitled to resentencing, in light of *Dorsey*, and we agree with that assessment. We thus VACATE Jordan's sentence and REMAND this case to the district court for the Eastern District of Wisconsin for re-sentencing under the Fair Sentencing Act of 2010, as required by *Dorsey*.

SO ORDERED.