

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 11-3245

United States of America,

Plaintiff - Appellee,

v.

Edmond Stewart,

Defendant - Appellant.

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* Appeal from the United States

* District Court for the

* Eastern District of Arkansas.

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* [UNPUBLISHED]

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Submitted: April 20, 2012

Filed: July 3, 2012

Before LOKEN and SHEPHERD, Circuit Judges, and GERRARD,* District Judge.

PER CURIAM.

Edmond Stewart pleaded guilty to distributing more than 50 grams of cocaine base (crack cocaine) in violation of 21 U.S.C. § 841(a)(1). Consistent with then-controlling Eighth Circuit precedent, the district court sentenced Stewart in September 2011 to 120 months in prison, the statutory minimum penalty mandated by 21 U.S.C. § 841(b)(1)(A) at the time of his 2007 offense. However, the Fair Sentencing Act (FSA), which took effect in August 2010, increased the threshold quantities that trigger 5- and 10- year minimum penalties for crack offenses. Pub. L.

*The Honorable John M. Gerrard, United States District Judge for the District of Nebraska, sitting by designation.

No. 111-200, 124 Stat. 2372 (Aug. 3, 2010). Stewart appeals his sentence, arguing the higher (more lenient) FSA thresholds should apply to his sentence even though he is a pre-FSA offender. In Dorsey v. United States, No. 11-5683, slip op. at 2, 2012 WL 2344463 at *3 (June 21, 2012), the Supreme Court of the United States agreed. Accordingly, the judgment of the district court is reversed and the case is remanded for resentencing in light of Dorsey.
