

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ANDY R. BACCAM,)	
Reg. No. 10647-041)	
)	
Petitioner,)	
)	Civil No. 18-cv-1150-CJP¹
vs.)	
)	
T. G. WERLICH,)	
)	
Respondent.)	

MEMORANDUM and ORDER

PROUD, Magistrate Judge:

Now before the Court is Andy R. Baccam’s petition for writ of habeas corpus under 28 U.S.C. §2241 (Doc. 1). Respondent concedes the merits of the petition. See, Doc. 15.

In April 2003, petitioner was sentenced in the District of Minnesota to a total term of 248 months imprisonment after pleading guilty to one count of possession with intent to distribute methamphetamine and one count of possession of a firearm during a drug trafficking crime. See, Judgment, *United States v. Baccam*, Case No. 02-cr-00320-JRT-FLN(1), attached to Doc. 15 as Exhibit 1. Baccam was sentenced as a career offender pursuant to U.S.S.G. §§ 4B1.1 and 4B1.2. The enhancement was based on two convictions for Terroristic Threats in violation of Minnesota law.

Relying on *Mathis v. United States*, — U.S. —, 136 S. Ct. 2243 (2016),

¹ This case was assigned to the undersigned for final disposition upon consent of the parties pursuant to 28 U.S.C. §636(c). See, Doc. 10.

petitioner argues that he is entitled to be resentenced without the career offender enhancement because his Minnesota convictions no longer qualify as crimes of violence.

Respondent has filed a response conceding that Baccam is entitled to habeas relief under *Mathis*.

In view of respondent's concession, the Court GRANTS the petition for writ of habeas corpus under 28 U.S.C. §2241 (Doc. 1) and ORDERS the following relief:

1. The sentence imposed upon Andy R. Baccam by the District of Minnesota in Case No. 02-cr-00320-JRT-FLN(1) is VACATED.
2. Baccam shall be resentenced forthwith by the District of Minnesota.
3. The Clerk of Court shall enter judgment in favor of petitioner.
4. The Clerk of Court is directed to furnish copies of this Order and the Judgment entered in this case to the Bureau of Prisons, the United States Attorney for the District of Minnesota, and the Clerk of the District Court for the District of Minnesota for filing in Case No. 02-cr-00320-JRT-FLN(1).

IT IS SO ORDERED.

DATE: September 6, 2018.

s/ Clifford J. Proud
CLIFFORD J. PROUD
UNITED STATES MAGISTRATE JUDGE