

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GEORGE C. BANKS,)	
)	
Petitioner,)	
)	
vs.)	Case No. 1:16 CV 162 RWS
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

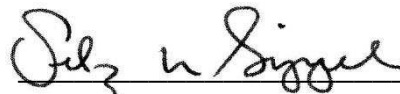
MEMORANDUM AND ORDER

Petitioner George Banks filed this motion to vacate his sentence under 28 U.S.C. § 2255. Banks asserts that, under Johnson v. United States, 135 S. Ct. 2551 (2015), he is no longer subject to an enhanced sentence under the Armed Career Criminal Act (“ACCA”). On April 6, 2018, I denied Bank’s petition. Banks appealed my decision to the United States Court of Appeals for the Eighth Circuit. On July 10, 2018, the Eighth Circuit, upon motion of Respondent United States of America, remanded this matter for further consideration. On July 13, 2018, Banks and Respondent filed a stipulation granting Banks’ motion to vacate and requesting the entry of an amended judgment. As a result, I will enter an amended judgment in Bank’s criminal case 1:05 CR 27 RWS.

Accordingly,

IT IS HEREBY ORDERED that Petitioner George C. Banks' Motion to vacate under 18 U.S.C. § 2255 is **GRANTED**.

An appropriate judgment will accompany this Memorandum and Order.

A handwritten signature in black ink, appearing to read "Rodney W. Sippel", written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 16th day of July, 2018.