

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

|                           |   |                  |
|---------------------------|---|------------------|
| ARBERDELLA HURD,          | ) |                  |
|                           | ) |                  |
| Petitioner,               | ) |                  |
|                           | ) |                  |
| v.                        | ) | No. 4:16CV50 RLW |
|                           | ) |                  |
| UNITED STATES OF AMERICA, | ) |                  |
|                           | ) |                  |
| Respondent.               | ) |                  |

**MEMORANDUM AND ORDER**

This matter is before the Court on Petitioner Arberdella Hurd’s Uncontested Motion to Vacate Sentence pursuant to 28 U.S.C. § 2255. Ms. Hurd entered a guilty plea on one count of violating 18 U.S.C. § 1028(a)(6) and received a sentence of time served, 2 years of Supervised Release and a Special Assessment of \$100.00 for a felony offense under 18 U.S.C. § 1028(b)(2). (ECF Nos. 39, 52) However, Ms. Hurd claims that her offense is a misdemeanor punishable under 18 U.S.C. § 1028(b)(6), with a maximum sentence of one year in prison, a maximum term of supervised release of one year, and a special assessment of \$25.00. The Government does not contest Ms. Hurd’s contention and consents to her request to vacate the sentence.

Under 28 U.S.C. § 2255(a), “[a] prisoner in custody under sentence of a court established by Act of Congress claiming the right to be released upon the ground . . . that the sentence was in excess of the maximum authorized by law . . . may move the court which imposed the sentence to vacate, set aside or correct the sentence.” Here, Ms. Hurd has demonstrated that the sentence imposed by this Court exceeded the maximum authorized by law. Therefore, the Court will grant Ms. Hurd’s motion and vacate the sentence entered in the underlying criminal case, 4:15CV98 RLW.

Accordingly,

**IT IS HEREBY ORDERED** that Arberdella Hurd's Uncontested Motion to Vacate Sentence Pursuant to 28 U.S.C. § 2255 (ECF No. 1) is **GRANTED**, and Ms. Hurd's sentence is **VACATED**.

**IT IS FURTHER ORDERED** that the Clerk of the Court is directed to send a copy of this Order to the United States Probation Office for this District.

**IT IS FURTHER ORDERED** that the Clerk of the Court is directed to file this Order in Cause No. 4:15CR98 RLW.

Dated this 20th day of January, 2016.

A handwritten signature in cursive script that reads "Ronnie L. White". The signature is written in black ink and is positioned above a horizontal line.

**RONNIE L. WHITE**  
**UNITED STATES DISTRICT JUDGE**