

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MAURICE E. PATTERSON,)
)
 Petitioner,)
)
 vs.) Case No. 4:16CV00842 ERW
)
UNITED STATES,)
)
 Respondent.)

MEMORANDUM AND ORDER

This matter is before the Court on Petitioner Maurice E. Patterson’s Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody [ECF No. 1]. Petitioner requests the Court vacate his sentence pursuant to *Johnson v. United States*, 135 S. Ct. 2551 (2015) and *Welch v. United States*, 136 S. Ct. 1257 (2016). The United States agrees Petitioner should be resentenced as he is no longer an armed career criminal.¹ Petitioner is no longer an armed career criminal because his prior conviction for possession of an unregistered sawed-off shotgun falls under the residual clause of the violent felony definition found at 18 U.S.C. § 924(e)(2). The Court does not make a determination as to whether Petitioner’s other prior convictions qualify as violent felonies. Based on the agreement of the parties and the Court’s review of the pleadings and relevant case law, the Court will grant Petitioner’s Motion.

¹ The United States agreed Petitioner is no longer an armed career criminal in its acceptance to the presentence investigation report filed in *United States v. Maurice Patterson*, 4:03-CR-136 ERW.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that Petitioner Maurice E. Patterson's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody [ECF No. 1] is **GRANTED**.

Dated: August 30, 2016

A handwritten signature in black ink, appearing to read "E. Richard Webber". The signature is written in a cursive, flowing style.

E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE