

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Crim. No. 1:11-cr-10015-JDB-1
Civ. No. 1:16-cv-01153-JDB-egb

MARCUS MANN,

Defendant.

ORDER GRANTING MOTION OF UNITED STATES
TO REINSTATE DEFENDANT'S ORIGINAL SENTENCE

Before the Court is the October 10, 2019, motion of the United States to reinstate Defendant, Marcus Mann's, original sentence. (No. 1:11-cr-10015-1, Docket Entry "D.E." 111.) This Court granted relief to Mann pursuant to 28 U.S.C. § 2255 based on the decision in *United States v. Stitt*, 860 F.3d 854 (6th Cir. 2017) (*Stitt I*). (No. 1:16-cv-01153, D.E. 9.) On December 7, 2017, an amended criminal judgment was entered, reducing Defendant's sentence to 77 months, and the United States appealed. (No. 1:11-cr-10015-1, D.E. 81.) Subsequently, in *United States v. Stitt*, 139 S. Ct. 399 (2018) (*Stitt II*), the Supreme Court reversed the Sixth Circuit's decision in *Stitt I*. On July 18, 2019, the Court of Appeals reversed the grant of relief under § 2255 pursuant to *Stitt II* and remanded this case with instructions to reinstate Mann's original sentence. *Mann v. United States*, Nos. 17-6486/6487 (6th Cir. July 18, 2019). The mandate issued on October 3, 2019.

Accordingly, the Government's motion is GRANTED. In light of the limited nature of the remand, solely for the purpose of reinstating the original sentence, no hearing is necessary. In

accordance with the Court of Appeals' order, the Clerk of Court is DIRECTED to enter a second amended criminal judgment reinstating Defendant's original sentence of 180 months in the custody of the Bureau of Prisons and a 4-year term of supervised release.

IT IS SO ORDERED this 3rd day of December 2019.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE