

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

MARCUS MANN,

Petitioner,

v.

No. 1:16-cv-01153-JDB-egb

No. 1:11-cr-10015-JDB-1

UNITED STATES OF AMERICA,

Respondent.

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ORDER GRANTING MOTION TO VACATE, SET ASIDE, OR CORRECT SENTENCE  
UNDER 28 U.S.C. § 2255

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A motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 was filed by the Petitioner, Marcus Mann, on June 16, 2016 (the “Petition”). (Case Number 16-cv-1153, Docket Entry (“D.E.”) 1.) On August 23, 2017, the United States Probation Office issued a memorandum addressing, among other things, the impact of the recent decision of the Sixth Circuit Court of Appeals in *United States v. Stitt*, 860 F.3d 854 (6th Cir. 2017), on this case. The Court ordered on September 19, 2017, that the Government respond to the Petition in light of *Stitt*. (*Id.*, D.E. 7.) The Government submitted its response on September 29, 2017, conceding that, in light of the decision, the relief sought by Mann may be warranted. (*Id.*, D.E. 8.)

For good cause shown, the Petition is GRANTED. Further, the Clerk is DIRECTED to enter an order of production and set a resentencing hearing in case number 1:11-cr-10015-JDB-1.

IT IS SO ORDERED this 20th day of October 2017.

s/ J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE