

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

MICHAEL LEMONS,

Petitioner,

v.

No. 1:16-cv-01158-JDB-egb

UNITED STATES OF AMERICA,

Respondent.

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

A motion to vacate, set aside, and correct sentence pursuant to 28 U.S.C. § 2255 was filed by the Petitioner, Michael Lemons, on June 17, 2016 (the “Petition”). (Docket Entry (“D.E.”) 1.) On June 29, 2017, he filed an emergency motion requesting an immediate ruling on the Petition based on the Sixth Circuit Court of Appeals’ June 27, 2017, ruling in *United States v. Stitt*, 860 F.3d 854 (6th Cir. 2017). (D.E. 7.) The Government responded the following day, conceding that, in light of the decision, the relief requested by the Petitioner was warranted. (D.E. 8.) Accordingly, a resentencing hearing was conducted in Lemons’ criminal case (Case No. 1:08-cr-10102-JDB-1 (“Criminal Case”)) on July 21, 2017, at which he was sentenced to time served, two years supervised release, and a \$100 special assessment. (Criminal Case D.E. 60.) An amended judgment was entered on July 24, 2017. (*Id.* D.E. 62.) Based on the foregoing, the Petition is GRANTED.

IT IS SO ORDERED this 3rd day of August 2017.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE

