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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SON PHAM,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

No. C16-974RSL

ORDER GRANTING MOTION
TO VACATE, SET ASIDE, OR
CORRECT A SENTENCE BY A
PERSON IN FEDERAL CUSTODY


This matter comes before the Court on petitioner’s “Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct a Sentence by a Person in Federal Custody.” Dkt. # 1. In March 2014, petitioner was sentenced to 72 months’ imprisonment for violating 18 U.S.C. § 924(c). This sentence was based on the conclusion that petitioner’s other conviction (under 18 U.S.C. § 894(a)(1)) was for a “crime of violence.” Petitioner now seeks resentencing in light of the Supreme Court’s recent decisions in Johnson v. United States, __ U.S. __, 135 S. Ct. 2551 (2015), and Welch v. United States, 136 S. Ct. 1257 (2016). The United States does not oppose petitioner’s motion. Dkt. # 5.

Accordingly, petitioner’s motion to vacate, set aside, or correct his sentence is GRANTED. The Court will contact the parties to schedule resentencing.

ORDER GRANTING MOTION TO
VACATE, SET ASIDE, OR CORRECT
A SENTENCE BY A PERSON IN
FEDERAL CUSTODY - 1

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DATED this 8th day of September, 2016.


Robert S. Lasnik
United States District Judge