

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

ANTOINE DESHAWN MILLER,

Plaintiff,

v.

CIVIL ACTION NO. 2:16-05829
(Criminal No. 2:04-00096)

UNITED STATES OF AMERICA,

Defendant.

MEMORANDUM OPINION AND ORDER

On July 24, 2019, the court received the Proposed Findings and Recommendation (PF&R) of United States Magistrate Judge Omar J. Aboulhosn wherein it is recommended that this case be reinstated to the court's active docket, Miller's Motion to Vacate, Set Aside or Correct Sentence be granted and that his sentence be vacated for the reasons set forth therein. The magistrate judge further recommends that the district court "may then discharge Movant, resentence him, or correct his sentence as may appear appropriate."

A hearing on this matter was held on November 7, 2019. Present at the hearing were defendant, in person and by counsel, Lex A. Coleman, Assistant Federal Public Defender, and Assistant United States Attorney Steven I. Loew. Michele Wentz appeared on behalf of the United States Probation Office.

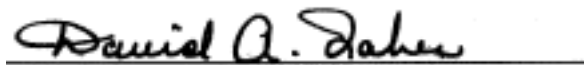
At the conclusion of that hearing and for reasons placed on the record at that time, the court imposed a sentence of **time**

served and ordered his immediate release from custody. The court will enter a Memorandum Opinion and Order at a later time expressing its reasons for doing so.

The Clerk is directed to send copies of this Order to counsel of record, the United States Marshal, and the United States Probation Office.

IT IS SO ORDERED this 7th day of November, 2019.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge