

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-5098

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CORTEZ LEON FISHER,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Richard D. Bennett, District Judge. (CR-04-288-RDB)

Submitted: April 6, 2005

Decided: April 25, 2005

Before MICHAEL, MOTZ, and SHEDD, Circuit Judges.

Affirmed in part, vacated in part, and remanded by unpublished per curiam opinion.

Joanna Beth Silver, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Baltimore, Maryland; James Wyda, Federal Public Defender, Paresh S. Patel, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Greenbelt, Maryland, for Appellant. Thomas Michael DiBiagio, United States Attorney, Charles Joseph Peters, Sr., OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Cortez Leon Fisher pled guilty to possession of a firearm after conviction of a felony, in violation of 18 U.S.C. § 922(g)(1) (2000).^{*} Fisher was sentenced to forty-six months' imprisonment to be followed by three years of supervised release. The district court also specified an alternative sentence of thirty-six months' imprisonment pursuant to this court's recommendation in United States v. Hammoud, 378 F.3d 426 (4th Cir. 2004) (order), opinion issued by 381 F.3d 316, 353-54 (4th Cir. 2004) (en banc), cert. granted and judgment vacated, 125 S. Ct. 1051 (2005).

Fisher now moves for an expedited remand of this case to the district court in light of United States v. Booker, 125 S. Ct. 738 (2005). We grant Fisher's motion for remand to allow the district court to reconsider Fisher's sentence in light of Booker. Fisher states that the sentencing issue is the only one he would pursue on appeal. Therefore, we affirm his conviction, vacate the sentence imposed by the district court, and remand for reconsideration of the sentence. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED IN PART,
VACATED IN PART, AND REMANDED

^{*}Fisher does not attack the voluntariness of his guilty plea.