

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-4765

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTHONY WAYNE SILVER,

Defendant - Appellant.

On Remand from the Supreme Court of the United States.
(S. Ct. No. 07-8399)

Submitted: May 2, 2008

Decided: June 10, 2008

Before MICHAEL, TRAXLER, and SHEDD, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

Thomas R. Wilson, GREEN & WILSON, P.A., New Bern, North Carolina,
for Appellant. George E. B. Holding, United States Attorney, Anne
M. Hayes, Jennifer P. May-Parker, Assistant United States
Attorneys, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Anthony Wayne Silver was sentenced to 121 months of imprisonment for conspiracy to possess with intent to distribute more than fifty grams of cocaine base. This court vacated and remanded on appeal, United States v. Silver, No. 05-4404 (4th Cir. Apr. 20, 2006) (unpublished), and the district court imposed a 235-month sentence. This court affirmed the district court's 235-month sentence on appeal, United States v. Silver, No. 06-4765 (4th Cir. Sept. 20, 2007) (unpublished), and the Supreme Court vacated and remanded to this court for further consideration in light of Gall v. United States, 128 S. Ct. 586 (2007). See Silver v. United States, 552 U.S. ___, 128 S. Ct. 1287 (2008) (No. 07-8399). Accordingly, we vacate Silver's sentence and remand to the district court for further consideration in light of Gall.

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.

VACATED AND REMANDED