

SEP 22 2011

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RODNEY SCOTT,

Defendant - Appellant.

No. 08-30310

D.C. No. 3:02-cr-00014-HRH-1

District of Alaska,

Anchorage

ORDER

Appeal from the United States District Court
for the District of Alaska
H. Russel Holland, Senior District Judge, Presiding

Argued and Submitted January 11, 2010

Seattle, Washington

Submission Withdrawn October 1, 2010

Resubmitted August 8, 2011

Before: KLEINFELD, TASHIMA, and TALLMAN, Circuit Judges.

In light of the government's confession of error, its motion for remand to the district court for further proceedings consistent with Freeman v. United States, 131 S. Ct. 2685 (2011) is GRANTED so that the district court can consider Rodney Scott's motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c).

VACATED AND REMANDED.