

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FEB 13 2013

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CLAUDE DILES,

Defendant - Appellant.

No. 12-50467

D.C. No. 2:12-cr-00633-R
Central District of California,
Los Angeles

ORDER

Before: FERNANDEZ, TASHIMA, and WARDLAW, Circuit Judges.

The parties have filed a joint motion for vacatur and remand for resentencing. Because the record supports the parties' contention that the district court failed to explain the sentence imposed, we grant the parties' motion and remand for further proceedings. Upon remand, the court shall consider the parties' sentencing arguments and explain the sentence in light of those arguments and the 18 U.S.C. § 3553(a) sentencing factors.

To preserve the appearance of justice, we assign this case to a different judge upon remand. We instruct the Clerk of the District Court for the Central District of California to reassign this case to a different district court judge upon remand.

VACATED and REMANDED.