

OCT 02 2013

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NOT FOR PUBLICATION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.

CALVIN TYRONE COMBS,

Defendant - Appellant.

No. 12-50453

D.C. No. 2:03-cr-00407-R

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Manuel L. Real, District Judge, Presiding

Submitted September 24, 2013**

Before: RAWLINSON, N.R. SMITH, and CHRISTEN, Circuit Judges.

Calvin Tyrone Combs appeals from the district court’s judgment and challenges the 12-month custodial sentence and 28-month term of supervised release imposed upon revocation of supervised release. We have jurisdiction under 28 U.S.C. § 1291, and we vacate and remand for resentencing.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Combs contends that the district court procedurally erred by failing to calculate the Guidelines range and by failing to explain the sentence imposed. Because the record supports Combs's contentions, we remand for further proceedings. Upon remand, the court shall calculate the applicable Guidelines range and explain the sentence in light of Combs's arguments and the applicable 18 U.S.C. § 3553(a) sentencing factors.

In light of our decision, we do not reach the question of whether Combs's sentence is substantively reasonable.

VACATED and REMANDED for resentencing.