

JUN 1 2017

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NOT FOR PUBLICATION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.

PAUL L. WILLIAMS, a.k.a. Friday, a.k.a.
Garfield,

Defendant-Appellant.

No. 16-10339

D.C. No. 4:10-cr-00915-RCC

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Raner C. Collins, Chief Judge, Presiding

Submitted May 24, 2017**

Before: THOMAS, Chief Judge and SILVERMAN and RAWLINSON,
Circuit Judges.

Paul L. Williams appeals from the district court's order denying his motion for a sentence reduction under 18 U.S.C. § 3582(c)(2). We have jurisdiction under 28 U.S.C. § 1291, and we vacate and remand.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

Williams contends that the district court erred in concluding that he did not “qualify” for a sentence reduction under Amendment 782 to the Sentencing Guidelines. We agree that the court’s statement that Williams did not “qualify” for a reduction is ambiguous as to whether the court believed that Williams was ineligible for a reduction or was not deserving of one. Furthermore, assuming the court concluded that Williams was not deserving of a reduction, the record contains no explanation for why it reached that conclusion. Accordingly, we vacate the district court’s order.

The record reflects that Williams is statutorily eligible for a reduction because his Guidelines range was lowered to 78-97 months under Amendment 782. *See* 18 U.S.C. § 3582(c)(2); *United States v. Leniear*, 574 F.3d 668, 673 (9th Cir. 2009). Accordingly, on remand the district court shall determine whether it will exercise its discretion to lower Williams’s sentence and explain its decision. *See United States v. Trujillo*, 713 F.3d 1003, 1010-11 (9th Cir. 2013).

VACATED and REMANDED.