

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 22 2018

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 17-10187

Plaintiff-Appellee,

D.C. No. 2:16-cr-00168-GMN

v.

MEMORANDUM*

DERRICK VINCENT,

Defendant-Appellant.

Appeal from the United States District Court
for the District of Nevada

Gloria M. Navarro, Chief Judge, Presiding

Submitted August 15, 2018**

Before: FARRIS, BYBEE, and N.R. SMITH, Circuit Judges.

Derrick Vincent appeals from the district court's judgment and challenges the 46-month sentence imposed following his guilty-plea conviction for being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). In supplemental briefs filed after this court decided *United States v.*

* 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).

Edling, 895 F.3d 1153 (9th Cir. 2018), the parties agree that *Edling* requires that Vincent be resentenced. We concur. *See id.* at 1158 (holding that a robbery conviction under Nevada Revised Statutes § 200.380 is not a crime of violence). We vacate the district court's judgment and remand for resentencing without the crime of violence enhancement to Vincent's base offense level.

In light of this disposition, we do not reach Vincent's argument that his sentence is substantively unreasonable.

VACATED and REMANDED for resentencing.