

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 23 2019

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

SCOTT ALLEN SPERLING,

Defendant-Appellant.

No. 16-50342

D.C. No.
2:06-cr-00911-ODW-1

ORDER*

On Remand from the United States Supreme Court

Before: RAWLINSON and N.R. SMITH, Circuit Judges, and KORMAN,**
District Judge.

The Joint Motion for Vacatur and Remand is GRANTED. Defendant's sentence is vacated and this case is remanded for a new sentencing hearing to impose a sentence of no greater than two years, pursuant to 18 U.S.C. § 3583(e)(3).

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

** The Honorable Edward R. Korman, United States District Judge for the Eastern District of New York, sitting by designation.