

FILED: April 22, 2009

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-4068
(2:07-cr-00432-DCN-1)

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LANCY ELLITHORPE MCCLARY,

Defendant - Appellant,

O R D E R

The court amends its order filed April 9, 2009, as follows:

Upon consideration of the government's unopposed motion to remand, the court vacates the sentence imposed by the district court and grants the motion to remand for resentencing in light of Begay v. United States, 128 S. Ct. 1581 (2008), and United States v. Roseboro, 551 F.3d 226 (4th Cir. 2009).

FOR THE COURT

/s/ Patricia S. Connor
Clerk