

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 04-1174

UNITED STATES OF AMERICA

v.

LARRY WRIGHT

Appellant

On Appeal from the United States District Court
for the District of New Jersey
(D.C. No. 03-cr-00556)
District Judge: Honorable Jerome B. Simandle

Submitted Pursuant to Third Circuit L.A.R. 34.1(a)
Wednesday, November 3, 2004

Before: ALITO, BARRY, and FUENTES, Circuit Judges.

(Filed: May 11, 2005)

OPINION

FUENTES, Circuit Judge.

Larry Wright pled guilty to a one count information charging him with robbery of a United States Post Office, in violation of 18 U.S.C. §§ 2114(a) and (2) . The District Court sentenced Wright, pursuant to the United States Sentencing Guidelines, to a 150 month term of imprisonment. Wright received a four level enhancement for “otherwise using” a dangerous weapon while committing the offense in Count One of the information. On appeal, he challenges his sentence under *United States v. Booker*, 543 U.S. ___, 125 S. Ct. 738 (2005).

Having determined that the sentencing issues appellant raises are best determined by the District Court in the first instance, we will vacate the sentence and remand for resentencing in accordance with *Booker*. Wright raises no challenge as to his conviction and accordingly has waived any argument in this regard.