

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 06-3227

UNITED STATES OF AMERICA

v.

MICHAEL T. BROWN,
also known as
Mark Noble Brown,
also known as
Michael Ballard

Michael T. Brown,
Appellant

On Appeal from the United States District Court
for the Western District of Pennsylvania

(D.C. No. 03-cr-00288)

District Judge: The Honorable Maurice B. Cohill, Jr.

Submitted Under Third Circuit LAR 34.1(a)
October 31, 2007

Before: RENDELL and NYGAARD, Circuit Judges,
and McCLURE, * District Judge.

(Filed February 26, 2009)

*Honorable James F. McClure, Jr., District Judge for the United States
District Court for the Middle District of Pennsylvania, sitting by designation.

OPINION OF THE COURT

NYGAARD, Circuit Judge.

Pursuant to L.A.R. 27.4, the Appellant's sentence will be vacated and this matter will be remanded to the District Court for re-sentencing in light of the United States Supreme Court's recent decision in *Chambers v. United States*, No. 06-11206, 2009 WL 63882 (Jan. 13, 2009).

The Government, via letter brief filed January 26, 2009, agrees that the Appellant's sentence should be vacated and this matter remanded for re-sentencing consistent with the Supreme Court's *Chambers* decision, *supra*.