

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-3681

United States of America,

Appellee,

v.

Brandon Leroy Stockdall,

Appellant.

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* Appeal from the United States
* District Court for the
* Southern District of Iowa.
* [UNPUBLISHED]
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Submitted: May 10, 2005

Filed: May 19, 2005

Before WOLLMAN, BRIGHT, and BYE, Circuit Judges.

PER CURIAM.

Brandon Leroy Stockdall appeals from the sentence of 130 months of imprisonment imposed following his plea of guilty to a charge of possession with intent to distribute methamphetamine, a violation of 21 U.S.C. § 841(a)(1) and 841(b)(1)(B). In light of the fact that Stockdall preserved his challenge to the constitutionality of the United States Sentencing Guidelines, the government has moved that the case be remanded for resentencing. The motion is granted, and the case is remanded to the district court for resentencing in accordance with the holding in United States v. Booker, 125 S. Ct. 738 (2005).
