

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-4135

United States of America,

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Appellee,

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v.

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On remand from the Supreme
Court of the United States.

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Clint L. Ball,

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[UNPUBLISHED]

Appellant.

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Submitted: August 14, 2009

Filed: September 14, 2009

Before BYE, RILEY, and BENTON, Circuit Judges.

PER CURIAM.

This case is before us on remand from the Supreme Court of the United States. See Ball v. United States, 556 U.S. ___, 129 S. Ct. 2049 (April 27, 2009). The Supreme Court granted certiorari, vacated this court's judgment in United States v. Ball, 499 F.3d 890 (8th Cir. 2007), and remanded the case for further consideration in light of Gall v. United States, 552 U.S. 38 (2007).

Having reviewed Clint Ball's sentence, we conclude the sentence does not run afoul of Gall. However, after our initial ruling in this case, the Supreme Court issued an opinion in Arizona v. Gant, 556 U.S. ___, 129 S. Ct. 1710 (April 21, 2009), which

may be relevant to the issues here. Therefore, without vacating the district court's judgment, we remand for the district court to analyze the suppression issues in light of Gant, and for a further evidentiary hearing, if the district court deems such a hearing is necessary.
