

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 03-13117  
\_\_\_\_\_

D. C. Docket No. 02-00154 CR-2-N-1

**FILED**

**U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT**

**March 14, 2005**

**THOMAS K. KAHN  
CLERK**

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ERIC ORLANDO REESE,

Defendant-Appellant.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Middle District of Alabama  
\_\_\_\_\_

**(March 14, 2005)**

Before ANDERSON and BIRCH, Circuit Judges, and LAND\*, District Judge.

PER CURIAM:

\_\_\_\_\_  
\*Honorable Clay D. Land, United States District Judge for the Middle District of Georgia, sitting by designation.

The original panel opinion in this case issued on September 2, 2004, and was published in 382 F.3d 1308 (11<sup>th</sup> Cir. 2004). On January 24, 2005, the Supreme Court granted certiorari, vacated the judgment of this court, and remanded to this court for further consideration in light of Booker v. United States, 543 U.S. \_\_\_\_, 125 S.Ct. 738 (2005). Then on January 27, 2005, this panel issued an opinion published in 397 F.3d 1337 (11<sup>th</sup> Cir. 2005), reaffirming our affirmance of the judgment of the district court with respect to Reese's conviction, but vacating his sentence and remanding same to the district court for resentencing consistent with the Supreme Court's opinions in Booker.

In the event that further action of this court is necessary after receiving the mandate of the Supreme Court granting certiorari, vacating the judgment of this court, and remanding to this court for further consideration in light of Booker, we now hereby reaffirm and reissue the opinion of this panel which originally issued on January 27, 2005, and was published in 397 F.3d 1337 (11<sup>th</sup> Cir. 2005), thus reaffirming our affirmance of the judgment of the district court with respect to Reese's conviction, but vacating the judgment of the district court with respect to Reese's sentence and remanding to the district court for resentencing consistent with the Supreme Court opinions in Booker.

AFFIRMED IN PART, VACATED IN PART, AND REMANDED.