

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-13750

D.C. Docket No. 5:18-cr-00012-RBD-PRL-1

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JONATHAN CAMACHO-MUNOZ,

Defendant - Appellant.

Appeal from the United States District Court
for the Middle District of Florida

(April 1, 2020)

Before JORDAN and TJOFLAT, Circuit Judges, and BEAVERSTOCK,* District
Judge.

* Honorable Jeffrey U. Beaverstock, United States District Judge for the Southern District of Alabama, sitting by designation.

PER CURIAM:

Following oral argument and review of the record, we vacate Jonathan Camacho-Munoz's 24-month sentence and remand for resentencing. The district court was provided incorrect information about the co-defendant's advisory guideline range and expressly took that information into account in deciding to vary upward by six months as to Mr. Camacho-Munoz' sentence. *See* D.E. 68 at 13. The government, realizing the error, subsequently filed a motion under Rule 35 to correct the sentence. *See* D.E. 53. Under the circumstances, we conclude that the proper resolution is to allow the district court to resentence Mr. Camacho-Munoz with a correct understanding of the co-defendant's advisory guideline range and ultimate sentence. *See United States v. Battaglia*, 478 F.2d 854 (5th Cir. 1972).

VACATED AND REMANDED.