

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 19-11074
Non-Argument Calendar

D.C. Docket No. 2:97-cr-00099-WS-B-10

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MICHAEL JEROME FILES,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Alabama

(May 21, 2021)

Before JORDAN, JILL PRYOR and GRANT, Circuit Judges.

PER CURIAM:

In the district court, Michael Jerome Files requested a sentence reduction under § 404 of the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194, 5222. The district court denied the motion, concluding that he was ineligible for a sentence reduction. Files has appealed.

When the district court denied Files's motion, it did not have the benefit of our decision in *United States v. Jones*, 962 F.3d 1290 (11th Cir. 2020). We do, and now that we do, the government has conceded that Files is eligible for a sentence reduction under § 404 of the First Step Act. Having reviewed *Jones* and the record in this case, we accept the government's concession, vacate the district court's orders denying a sentence reduction, and remand for further proceedings so that the district court may decide whether to exercise its discretion under § 404 to award Files a sentence reduction. *See id.* at 1304.

VACATED and REMANDED.