

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 20-14490

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FRANCISCO SALDANA,

a.k.a. Frank,

a.k.a. Frank Rivera,

a.k.a. Warren G,

Defendant-Appellant.

Appeals from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:95-cr-00605-PAS-1

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Opinion of the Court

20-14490

No. 21-10634

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Before JORDAN, LUCK, and LAGOA, Circuit Judges.

PER CURIAM:

20-14490

Opinion of the Court

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Francisco Saldana appeals the district court's order denying his motion to reduce his sentence under section 404 of the First Step Act. He argues that the district court erred in concluding that he was not eligible to receive a lower sentence under the First Step Act. The government concedes "that the district court's conclusion that it had no authority to reduce Saldana's sentence was erroneous."

After a thorough review of the record, we agree with the parties that the district court erred in concluding that Saldana was ineligible for a reduced sentence under section 404 of the First Step Act. We **REVERSE** the order denying Saldana's motion to reduce his sentence and **REMAND** for the district court to exercise its discretion and decide whether to reduce Saldana's sentences for his crack cocaine convictions.¹

¹ This appeal was originally scheduled for oral argument but was removed from the oral argument calendar by unanimous agreement of the panel under 11th Cir. R. 34-3(f).