

File Name: 05a0296p.06

**UNITED STATES COURT OF APPEALS**

FOR THE SIXTH CIRCUIT

UNITED STATES OF AMERICA,

*Plaintiff-Appellee,*

v.

JAMES SHANNON OLIVER,

*Defendant-Appellant.*

No. 03-5586

Filed: July 12, 2005

Before: SILER, BATCHELDER, and ROGERS, Circuit Judges.

**ORDER**

On November 29, 2004, this court issued an opinion affirming Defendant James Oliver's sentence for possession of a semiautomatic assault weapon. *United States v. Oliver*, 390 F.3d 482 (6th Cir. 2004). On April 25, 2005, the United States Supreme Court granted Oliver's petition for a writ of certiorari, vacated the judgment of this court, and remanded to this court for further consideration in light of *United States v. Booker*, 543 U.S. \_\_\_, 125 S. Ct. 738 (2005). *Oliver v. United States*, \_\_\_ U.S. \_\_\_, 125 S. Ct. 1950 (2005). We reinstate our opinion of November 29, 2004, holding that the firearm possessed by Oliver met the applicable statutory definition of a semiautomatic assault weapon, as defined by 18 U.S.C. § 921(a)(30). With respect to Oliver's sentence, we vacate the judgment and sentence of the district court, and remand to the district court for resentencing in accordance with *Booker*.

ENTERED BY ORDER OF THIS COURT

/s/ Leonard Green

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Clerk