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USA v. Siramur

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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 04-1912

UNITED STATES OF AMERICA

v.

MARK G. SIRAMUR,
Appellant

On Appeal from the United States District Court
for the Western District of Pennsylvania
D.C. Criminal No. 96-cr-00030
(Honorable Terrence F. McVerry)

Submitted Pursuant to Third Circuit LAR 34.1(a)
March 7, 2005

Before: SCIRICA, *Chief Judge*, ROTH and BECKER, *Circuit Judges*

(Filed March 30, 2005)

OPINION OF THE COURT

SCIRICA, *Chief Judge*.

Appellant Mark Siramur pled guilty to one count of conspiracy to distribute more than 100 kilograms of marijuana in violation of 21 U.S.C. § 846. The District Court

sentenced Siramur to 60 months in prison followed by three years of supervised release.

Siramur does not challenge his conviction.

Appellant challenges his sentence under *United States v. Booker*, 543 U.S. - -, 125 S. Ct. 738 (2005). Having determined that the sentencing issues appellant raises are best determined by the District Court in the first instance, we will vacate the sentence and remand for resentencing in accordance with *Booker*.