

ON REHEARING

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-6754

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KELVIN JEROD HOLMAN, a/k/a J-Five,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Orangeburg. Margaret B. Seymour, Senior District Judge. (5:04-cr-00964-MBS-2)

Submitted: April 22, 2020

Decided: May 4, 2020

Before MOTZ and KING, Circuit Judges, and SHEDD, Senior Circuit Judge.

Vacated and remanded by unpublished per curiam opinion.

Kelvin Jerod Holman, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kelvin Jerod Holman petitions this court for panel rehearing of our decision affirming the district court's denial of relief on his motion for a sentence reduction pursuant to section 404 of the First Step Act of 2018 ("First Step Act"), Pub. L. No. 115-391, § 404, 132 Stat. 5194, 5222. *See United States v. Holman*, 783 F. App'x 289 (4th Cir. 2019). In light of our decisions in *United States v. Wirsing*, 943 F.3d 175 (4th Cir. 2019), and *United States v. Gravatt*, 953 F.3d 258 (4th Cir. 2020), we grant Holman's petition for panel rehearing, vacate the district court's order, and remand for consideration on the merits.* We express no opinion on the ultimate disposition of Holman's First Step Act motion. *See Gravatt*, 953 F.3d at 264.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

VACATED AND REMANDED

* The district court did not have the benefit of *Wirsing* and *Gravatt* when it decided Holman's case.