

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

July 8, 2020

Lyle W. Cayce
Clerk

No. 19-11275
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

GEORGE WHITEHEAD, JR.,

Defendant-Appellant

Appeals from the United States District Court
for the Northern District of Texas
USDC No. 4:07-CR-11-1

Before HIGGINBOTHAM, JONES and COSTA, Circuit Judges.

PER CURIAM:*

George Whitehead, Jr., federal prisoner # 35653-177, was convicted of drug and gun charges in 2007 and was sentenced to life imprisonment. He moved for resentencing under the First Step Act of 2018, § 404, Pub. L. No. 115-391, 132 Stat. 5194, 5222 (2018). The district court denied the motion. We remand for the limited purpose of allowing the district court to explain why it

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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did so, and we retain jurisdiction as is customary for limited remands. *See, e.g., United States v. Gomez*, 905 F.3d 347, 354-56 (5th Cir. 2018).

Without a hearing, the district court denied the motion in an order stating only that “having considered the motion, the response of the government, the record, and applicable authorities,” the motion should be denied. Though district courts need not always explain why they have denied a motion, meaningful review is possible here only with a statement of reasons for the denial. *See Peteet v. Dow Chem. Co.*, 868 F.2d 1428, 1436 (5th Cir. 1989). Absent such a statement, we can only guess why the motion was denied. We thus REMAND for the limited purpose of allowing the district court to explain its reasons for the denial.