

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

November 30, 2022

Lyle W. Cayce
Clerk

No. 20-30294

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JOHNNIE SIMS,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:05-CR-297-3

ON REMAND FROM
THE SUPREME COURT OF THE UNITED STATES

Before HAYNES, WILLETT, and HO, *Circuit Judges.*

PER CURIAM:*

Johnnie Sims appeals the district court's denial of his motion to reduce his sentence under Section 404 of the First Step Act of 2018. We previously affirmed the district court's denial. *United States v. Sims*, 842 F. App'x 947 (5th Cir. 2021) (per curiam). But the Supreme Court vacated our

* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

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judgment and remanded the case for our reconsideration in light of its decision in *Concepcion v. United States*, 142 S. Ct. 2389 (2022).

On remand, both parties ask us to vacate the district court's order denying Sims' motion for First Step Act relief and to remand the case for the district court to reconsider the motion in light of *Concepcion*. We grant the parties' request. The district court's order denying Sims' motion for a sentence reduction under Section 404 of the First Step Act is VACATED, and the case is REMANDED to the district court for reconsideration in light of *Concepcion*.