

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION
)	NO. 05-10175-WGY
NADINE J. GRIFFIN)	
)	
Defendant.)	
_____)	

ORDER

YOUNG, D.J.

January 23, 2007

In light of the decision of the United States Supreme Court in Cunningham v. California, -- S. Ct. --, 2007 WL 135687 (2007), the sentence imposed herein appears to constitute "clear error." See United States v. Sagredo, No. 05-40140, 2006 WL 3371792, at *2-*3 (5th Cir. Nov. 21, 2006).

Accordingly, pursuant to Federal Rule of Criminal Procedure 35(a), see Fed. R. Crim. P. 45(a) (computing time), it is necessary to vacate the judgment and commitment order and to convene another sentencing hearing to correct the sentence earlier imposed.

SO ORDERED.

William G. Young

 WILLIAM G. YOUNG
 DISTRICT JUDGE