

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 19-2685

United States of America

Appellee

v.

Antwoyn Terrell Spencer

Appellant

No: 19-2691

United States of America

Appellee

v.

Derrick Jerome Spencer

Appellant

Appeals from U.S. District Court for the District of Minnesota
(0:07-cr-00174-JRT-1)
(0:07-cr-00174-JRT-2)

ORDER

The court requests a supplemental brief from the government addressing (1) whether a live controversy exists in appellant Antwoyn Spencer's appeal, given his concurrent sentence on Count 4, *see United States v. Mannie*, 971 F.3d 1145, 1152-54 (10th Cir. 2020), and (2) the government's current position and rationale on whether the appellants are eligible for a reduction of sentence under § 404 of the Fair Sentencing Act.

The government's brief should be filed by February 24 and should not exceed 3900 words. The appellants may file a single responsive brief of up to 3900 words within

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seven days of the government's service of its supplemental brief.

February 17, 2021

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans