

09-6338 DILLON V. UNITED STATES

DECISION BELOW:572 F.3d 146

LOWER COURT CASE NUMBER: 08-3397

QUESTIONS PRESENTED:

I. Whether the Federal Sentencing Guidelines are binding when a district court imposes a new sentence pursuant to a revised guideline range under 18 U.S.C. § 3582.

II. Whether during a § 3582(c)(2) sentencing, a district court is required to impose sentence based on an admittedly incorrectly calculated guideline range.

CERT. GRANTED 12/7/2009