



**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,  
*Plaintiff-Appellant,*  
v.  
AHMED RESSAM, also known as  
Benni Antoine Noris,  
*Defendant-Appellee.*

No. 05-30422  
D.C. No.  
CR-99-00666-001-  
JCC

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*  
v.  
AHMED RESSAM, also known as  
Benni Antoine Noris,  
*Defendant-Appellant.*

No. 05-30441  
D.C. No.  
CR-99-00666-001-  
JCC  
ORDER

On Remand from the United States Supreme Court

Filed August 15, 2008

Before: Arthur L. Alarcón, Pamela Ann Rymer, and  
Marsha S. Berzon, Circuit Judges.

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**ORDER**

The mandate of the United States Supreme Court having issued on Ahmed Ressam's appeal from his conviction for carrying an explosive during the commission of a felony in violation of 18 U.S.C. § 844(h)(2)(1994), *United States v. Ressam*, \_\_\_ U.S. \_\_\_, 128 S.Ct. 1858 (2008), we must now



reach the government's challenge to the reasonableness of Ressam's sentence. *United States v. Carty*, 520 F.3d 984 (9th Cir. 2007) (en banc), was decided after sentence was imposed in this case and, among other things, *Carty* makes clear that all sentencing proceedings must begin by determining the applicable Guidelines range. *Id.* at 993. This was not done here. Accordingly, we vacate the sentence and remand for resentencing in accordance with *Carty*.

VACATED AND REMANDED.





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