

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

UNITED STATES OF AMERICA

v.

Case No. 5:23cv393-JDW-PRL

Case No. 5:09cr45-JDW-PRL

VICTOR JOHN WALKER

ORDER

Before the Court is the Report and Recommendation of the Magistrate Judge (“R&R”), recommending Defendant’s sentences on Counts One, Three, Four and Five be vacated and a resentencing hearing on those Counts be conducted with Defendant present (Cv. Dkt. 14). No objections were filed. Accordingly, the R&R is adopted and approved. Defendant’s sentences on Counts One, Three, Four and Five are **VACATED**. A resentencing hearing with Defendant present will be scheduled by separate notice.

Petitioner’s Amended Motion to Vacate, Set Aside or Correct Sentence under 28 U.S.C. § 2255 was granted and his sentence on Count Six was vacated (Cv. Dkt. 13). Consistent with the “sentencing package doctrine,” a new sentence package should be constructed to ensure the overall sentence remains consistent with the sentencing guidelines, the § 3553(a) factors, and the court’s intentions. *United States v. Fowler*, 749 F.3d 1010, 1015-17 (11th Cir. 2014); *United States v. Alexander*, F.3d, 2024 WL 157329 (11th Cir. 2024).

DONE and ORDERED on March 26, 2024.

/s/ James D. Whittemore

JAMES D. WHITTEMORE
UNITED STATES DISTRICT JUDGE