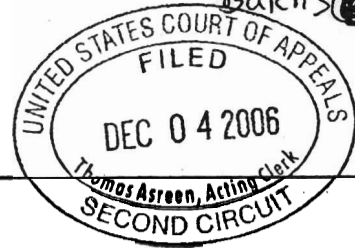


ATTACHMENT B

MANDATE

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT Motion Information Statement



00-cr-204
Burns

Docket Number(s): 06-3840-cr

USA v. John Hackney

Motion For: Limited Remand

Set forth below precise, complete statement of relief sought:

Remand to the district court for the limited purpose of considering whether to resentence in light of *United States v. Booker*, 125 S. Ct. 738 (2005), and *United States v. Crosby*, No. 03-1675 (2d Cir. Feb. 2, 2005), and in the event that the district court would impose a nontrivially different sentence in light of *Booker* and *Crosby*, then for resentencing pursuant to Fed. R. Crim. P. 32.

Moving Party: United States of America

Opposing Party: John Hackney

- Plaintiff Defendant
- Appellant/Petitioner
- Appellee/Respondent

Moving Attorney: Kevin J. O'Connor

Opposing Attorney: G. Douglas Jones

United States Attorney
District of Connecticut
157 Church Street
New Haven, CT 06510

Firm: Whatley Drake & Kallas, LLC
Address: 2323 2nd Ave., North
Birmingham, AL 35202-0647

by: John H. Durham, Deputy U.S. Atty.,
Tel: (203) 821-3817
e-mail: john.durham@usdoj.gov

Tel: (205) 328-9576
e-mail

Court-Judge/Agency appealed from: United States District Court for the District of Connecticut (Burns, J.)

Please check appropriate boxes:

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL

- Has consent of opposing counsel:
- A. been sought? Yes No
 - B. been obtained? Yes No
- Is oral argument requested? Yes No
(requests for oral argument will not necessarily be granted)

- Has request for relief been made below? Yes No
Has this relief been previously sought in this Court? Yes No

Requested return date and explanation of emergency:

Has argument date of appeal been set? Yes No

If yes, enter date: _____

Signature of Moving Attorney: [Signature]
John H. Durham, Deputy U.S. Attorney

Date: 12/1/06

Has service been effected? Yes No
[Attach affidavit of service]

ORDER

Before: Hon. Barrington D. Parker, Circuit Judge
IT IS HEREBY ORDERED that the motion for limited remand of appeal is GRANTED.



FOR THE COURT:
THOMAS W. ASREEN, Acting Clerk
by Tracy W Young & H
Tracy W. Young
Motions Staff Attorney

A TRUE COPY
Thomas W. Asreen, Acting Clerk
by Ralph [Signature] DEPUTY CLERK

1-24-07