

[NOT FOR PUBLICATION-NOT TO BE CITED AS PRECEDENT]

**United States Court of Appeals
For the First Circuit**

No. 99-2278

UNITED STATES,

Appellee,

v.

NOE MATEO-MORALES,

Defendant, Appellant.

APPEAL FROM THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF PUERTO RICO

[Hon. Juan M. Perez-Gimenez, U.S. District Judge]

Before

Selya, Boudin and Lynch,
Circuit Judges.

Joseph C. Laws, Jr., Federal Public Defender and Edgardo Rodriguez-Quilichini, Assistant Federal Public Defender, on brief for appellant.

Guillermo Gil, United States Attorney, Jorge E. Vega-Pacheco, Assistant United States Attorney, and Nelson Perez-Sosa, Assistant United States Attorney, on brief for appellee.

July 18, 2000

Per Curiam. After a thorough review of the record and of the parties' submissions, we agree with the joint recommendation of the parties; accordingly, we summarily vacate the sentence imposed below and remand the matter for resentencing. "The language of [U.S.S.G. § 3E1.1(b)(2)] is absolute on its face. It simply does not confer any discretion on the sentencing judge to deny the extra one-level reduction so long as the subsection's stated requirements are satisfied." United States v. Talladino, 38 F.3d 1255, 1264 (1st Cir. 1994). It is clear that appellant Noe Mateo-Morales qualified for a one-level decrease in his offense level pursuant to U.S.S.G. § 3E1.1(b)(2). The sentencing court agreed that he qualified for a decrease under subsection (a), his offense level was greater than 16 before (and after) that decrease, and he timely notified the government of his intention to plead guilty.

The sentence is vacated and the matter is remanded for resentencing consistent with this opinion. 1st Cir. Loc. R. 27(c).