

United States Court of Appeals
For the Eighth Circuit

No. 20-1306

United States of America,

Plaintiff - Appellee,

v.

John Richard Fortenberry,

Defendant - Appellant.

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: November 16, 2020

Filed: March 19, 2021

[Unpublished]

Before COLLOTON, ARNOLD, and KELLY, Circuit Judges.

PER CURIAM.

John Fortenberry appeals an order of the district court denying his motion for reduction of sentence under 18 U.S.C. § 3582(c)(1)(A)(i). The district court denied the motion without a response from the government and with no explanation. Under those circumstances, we cannot tell whether the district court believed that it was forbidden as a matter of law to consider grounds raised by Fortenberry. Or, if the

court denied the motion as a matter of discretion, we cannot discern how the court exercised its discretion. Without at least a brief explanation from the district court, we cannot meaningfully review the decision to deny the motion. Accordingly, we vacate the order of January 23, 2020, and remand for further consideration. *See United States v. Burrell*, 622 F.3d 961, 964 (8th Cir. 2010).
