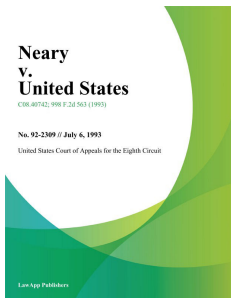


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NEARY V UNITED STATES EBOOKS 2019



Author: United States Court of Appeals for the Eighth Circuit

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LOKEN, Circuit Judge. Robert Thomas Neary appeals the district court's denial of a 28 U.S.C. § 2255 motion to vacate his sentence. Neary argues that his sentence was unlawfully enhanced by a prior conviction despite the government's failure to comply with 21 U.S.C. § 851(a)(1); that his counsel was ineffective for failing to appeal an obstruction of justice enhancement; and that the Bureau of Prisons ("BOP") failed to credit him with time served prior to his federal sentence.1 We reverse and remand on all three issues.

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