

On August 2, 2004, the Fourth Circuit (en banc) issued the following order in the case of US v. Hammoud:

After oral argument was heard by a panel of judges, a majority of the judges in active service voted to hear this appeal en banc. The en banc court heard argument on the matter on August 2, 2004. According to the vote of a majority of the en banc court constituted to hear this appeal, we affirm the judgment and hold that *Blakely v. Washington*, does not operate to invalidate Hammoud's sentence under the federal sentencing guidelines. Therefore, district courts within the Fourth Circuit are hereby instructed to continue sentencing defendants in accordance with the guidelines, as was the practice before *Blakely*. In the interest of judicial economy, however, we recommend that district court within the Fourth Circuit also announce, at the time of sentencing, a sentence pursuant to 18 USC 3553(a), treating the guidelines as advisory only. Majority and dissenting opinions will follow in due course. Entered at the direction of Chief Judge Wilkins, with the concurrence of the court.