

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-11169

UNITED STATES OF AMERICA

Plaintiff - Appellant

v.

RICKY CLYDE DUNCAN

Defendant - Appellee

Appeal from the United States District Court
for the Northern District of Texas
(4:95-CV-855-K)

(August 9, 1996)

BEFORE KING, SMITH, and WIENER, Circuit Judges.

PER CURIAM:*

The district court's Order Granting Defendant's Motion to Vacate and Correct Sentence under 28 U.S.C. § 2255, filed December 12, 1995, granting Ricky Clyde Duncan's Motion to Vacate or Correct Sentence, reducing Duncan's sentence to time served and releasing Duncan is hereby vacated. The case is remanded to the district court for further proceedings.

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

VACATED and REMANDED.