

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-40700  
Summary Calendar

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ARMANDO CURIEL-SANCHEZ,

Petitioner-Appellee,

v.

E M TROMINSKI, Etc; ET AL,

Respondents,

E.M. TROMINSKI, District Director, INS;  
JANET RENO, US Attorney General,

Respondents-Appellants.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. B-99-CV-3  
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March 17, 2000

Before KING, Chief Judge, and DAVIS and BENAVIDES, Circuit  
Judges.

PER CURIAM:\*

Respondent-Appellant the Immigration and Naturalization  
Service ("INS") appeals the district court's grant of Armando  
Curiel-Sanchez's 28 U.S.C. § 2241 petition for habeas relief in a  
case controlled by this court's intervening decision in  
Requena-Rodriguez v. Pasquarell, 190 F.3d 299 (5th Cir. 1999).

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\*Pursuant to 5TH CIR. R. 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this opinion should not be published and is not precedent except  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 5TH CIR. R. 47.5.4.

For the reasons set forth in Requena, we AFFIRM the district court's determination that it had jurisdiction to consider Curiel's habeas petition and we VACATE its determination that § 440(d) of the AEDPA\*\* does not apply to criminal convictions which predate its enactment. The case is REMANDED to the district court for further proceedings consistent with Requena.

AFFIRMED IN PART; VACATED AND REMANDED IN PART.

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\*\* Antiterrorism and Effective Death Penalty Act, Pub. L. No. 104-132, 110 Stat. 1214.