

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 08-16162  
\_\_\_\_\_

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT AUG 10, 2010 JOHN LEY CLERK
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D. C. Docket No. 07-01823-CV-JSM-MAP

EARNEST WHITFIELD,

Petitioner-Appellant,

versus

SECRETARY, DEPARTMENT OF CORRECTIONS,  
ATTORNEY GENERAL, STATE OF FLORIDA,

Respondents-Appellees.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Middle District of Florida  
\_\_\_\_\_

**(August 10, 2010)**

**ON REMAND FROM THE  
SUPREME COURT OF THE UNITED STATES**

Before DUBINA, Chief Judge, EDMONDSON and PRYOR, Circuit Judges.

PER CURIAM:

This case is before us on remand from the Supreme Court. See Whitfield v. McNeil, \_\_\_ S. Ct. \_\_\_\_, 2010 WL 2471069. We denied Petitioner's application for a Certificate of Appealability, relying on our decision in Holland v. Florida, 539 F.3d 1334 (11th Cir. 2008). Then, the Supreme Court reversed our judgment in Holland, and remanded that case for further consideration. Holland v. Florida, 130 S. Ct. 2549 (2010). We therefore remand this case to the district court for fact finding and further proceedings -- including, if it is necessary, an evidentiary hearing -- consistent with the Supreme Court's opinion and judgment in Holland.

**REMANDED.**