

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 09-12513

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JULY 1, 2010 JOHN LEY CLERK

D.C. Docket No. 99-02054-CT-30-TGW

EZELL GILBERT,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

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

(July 1, 2010)

Before DUBINA, Chief Judge, MARTIN, and HILL, Circuit Judges.

BY THE COURT:

Presently before the court are:

1. Motion by Defendant/Appellant Gilbert for Release Pending Appeal/Remand;
2. United States' Response to Gilbert's Motion for Release Pending Appeal/Remand;
3. United States' Unopposed Motion for Immediate Stay of the Mandate Pending Final Disposition of Possible Petition for Rehearing En Banc; and,
4. Appellant Gilbert's Response to the Government's Motion to Stay the Mandate.

We deal with these motions and responses as follows:

1. Defendant/Appellant Gilbert's Motion for Release Pending Appeal/Remand is GRANTED. The motion and this order are remanded to the district court for the district court, expeditiously, to impose conditions, if any, upon Gilbert's release.

2. Inasmuch as a judge of this Court has caused the mandate to be held, the Government's motion for immediate stay of the mandate is DENIED, AS MOOT.