

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-13694
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT MAY 6, 2011 JOHN LEY CLERK
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D. C. Docket No. 08-02004-CV-TWT-1

SHERWIN PERKINS,

Petitioner-Appellant,

versus

THOMAS AMMONS,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Georgia

(May 6, 2011)

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

Before TJOFLAT and WILSON, Circuit Judges.*

PER CURIAM:

The United States Supreme Court granted petitioner's petition for a writ of certiorari, vacated our judgment in Perkins v. Ammons, 366 Fed. Appx. 86 (11th Cir. 2010), and remanded the case "for further consideration in light of Holland v. Florida, 560 U.S. __ [130 S. Ct. 2549, 177 L. Ed.2d 130 (2010)." Perkins v. Ammons, 131 S. Ct. 567, 178 L. Ed.2d 412 (2010). We therefore remand the case to the district court for fact finding and further proceedings including an evidentiary hearing, if it is necessary.

REMANDED.

*This order is being entered by a quorum pursuant to 28 U.S.C. Section 46(d) due to Judge Birch's retirement on August 29, 2010.