

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 17-11716
Non-Argument Calendar

D.C. Docket Nos. 8:16-cv-01801-SCB-AEP,
8:13-cr-00122-SCB-AEP-1

KEISHAN H. ENIX,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

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

(November 4, 2019)

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before MARCUS, JORDAN, and BRANCH, Circuit Judges.

PER CURIAM:

Keishan Enix, a federal prisoner serving a 168-month total sentence, appeals from the district court's denial of his 28 U.S.C. § 2255 motion to vacate. Enix has moved for a certificate of appealability ("COA") as to whether his 18 U.S.C. § 924(c) conviction is unconstitutional in light of the Supreme Court's recent decision in *United States v. Davis*, 139 S. Ct. 2319 (2019), and for summary reversal. The government does not oppose either motion. Enix's motion for a COA is GRANTED on the following issue only:

Whether Enix's conviction under 18 U.S.C. § 924(c) was unconstitutional in light of the Supreme Court's holding in *United States v. Davis*, 139 S. Ct. 2319 (2019).

Enix's motion for summary reversal is also GRANTED, and his case is VACATED AND REMANDED for the district court to consider, in the first instance, the viability of his claim for habeas relief in light of the Supreme Court's decision in *United States v. Davis*.