

June 30, 2005

Charles R. Fulbruge III
Clerk

In the
United States Court of Appeals
for the Fifth Circuit

m 02-41459

ANZEL KEON JONES,

Petitioner-Appellant,

VERSUS

DOUG DRETKE,
DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE,
CORRECTIONAL INSTITUTIONS DIVISION,

Respondent-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
m 6:99-CV-660

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before HIGGINBOTHAM, SMITH, and
CLEMENT, Circuit Judges.

PER CURIAM:*

This court affirmed the denial of Anzel Jones's petition for writ of habeas corpus. *Jones v. Cockrell*, 74 Fed. Appx. 317 (5th Cir. 2003). The Supreme Court vacated and remanded for further consideration in light of *Roper v. Simmons*, 125 S. Ct. 1183 (2005). *Jones v. Dretke*, 125 S. Ct. 1588 (2005). We requested and received supplemental letter briefs addressing the impact of *Simmons*. We take judicial notice that after those letters were received, the Governor of Texas commuted Jones's sentence to life imprisonment.

All the issues addressed in our prior opinion are in regard only to the sentence of death. Because Jones no longer faces a death sentence, those issues are now moot. The appeal, accordingly, is DISMISSED.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.