

FILED

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

November 16, 2005

Charles R. Fulbruge III
Clerk

No. 04-50042
Conference Calendar

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

TERRANCE OPEL POWELL also known as, Bobo

Defendant - Appellant

Appeal from the United States District Court for the
Western District of Texas, Midland

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES
Before JOLLY, JONES, and WIENER, Circuit Judges.

PER CURIAM:*

IT IS ORDERED that the Appellee's motion to reinstate this Court's prior affirmance of the Appellant's conviction and sentence is granted.

IT IS FURTHER ORDERED that Appellee's alternative motion to extend the time to file Appellee's supplemental brief until fourteen (14) days from this Court's denial of the motion to reinstate prior affirmance is denied as moot.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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