

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

August 15, 2007

Charles R. Fulbruge III
Clerk

No. 04-70045

SCOTT LOUIS PANETTI,

Petitioner-Appellant,

v.

NATHANIEL QUARTERMAN, DIRECTOR, TEXAS DEPARTMENT OF
CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent-Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:04-CV-042-SS

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before HIGGINBOTHAM, GARZA, and STEWART, Circuit Judges.

PER CURIAM:*

This case returns to us on remand from the Supreme Court of the United States. The Supreme Court vacated our judgment and remanded the case for further development of an evidentiary record and resolution of the petitioner's constitutional claim in the district court. *Panetti v. Quarterman*, 127 S. Ct. 2842 (2007). Accordingly, we remand the case to the District Court for the Western

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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District of Texas for further proceedings consistent with the opinion of the Supreme Court.