

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

May 17, 2013

Lyle W. Cayce
Clerk

No. 10-30571

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ARMARCION HENDERSON,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
No. 5:09-CR-111-1

ON REMAND FROM
THE SUPREME COURT OF THE UNITED STATES

No. 11-60272

Before SMITH, SOUTHWICK, and GRAVES, Circuit Judges.

PER CURIAM:*

This court affirmed the judgment of sentence. *United States v. Henderson*, 646 F.3d 223 (5th Cir. 2011). The Supreme Court reversed and remanded. *Henderson v. United States*, 133 S. Ct. 1121 (2013).

On remand, we directed the parties to file letter briefs stating what action this court should take on remand. Both the government and the defendant request that we vacate the sentence and remand for resentencing. We therefore VACATE the judgment of sentence and REMAND for resentencing. We express no view on what decisions the district court should make on remand.

The mandate shall issue forthwith.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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