

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

No. 14-51143

United States Court of Appeals
Fifth Circuit

FILED

July 7, 2016

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff–Appellee,

versus

EARL ELLIS DIX, Also Known as Earl Eliss Dix,

Defendant–Appellant.

Appeals from the United States District Court
for the Western District of Texas
USDC No. 6:03-CR-111-1

Before HIGGINBOTHAM, SMITH, and OWEN, Circuit Judges.

PER CURIAM:*

Earl Dix appealed an order of October 9, 2014, revoking his conditional release. Dix filed a second notice of appeal on September 4, 2015, from a letter

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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by the district court declining to release him. That followed a recommendation from the warden that Dix be conditionally released as no longer a danger to society.

We have reviewed the briefs, the applicable law, and the pertinent portions of the record and have heard the arguments of counsel. We conclude that the district court did not clearly err in finding that Dix had not taken his medications as prescribed by his medical provider. Under 18 U.S.C. § 4243(f), however, the court, having received the determination of the warden, was required either to “order the discharge of the acquitted person . . . or . . . hold a hearing . . . to determine whether he should be released.” The court has done neither.

The order complained of is VACATED, and this matter is REMANDED for the district court to take the action that the statute requires. We do not indicate what rulings the court should make on remand.

The mandate shall issue forthwith.