

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

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No. 16-11443  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

January 10, 2018

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,  
Plaintiff - Appellee,

v.

DONIELLE RASHI ROSS,  
Defendant - Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:15-CR-192

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ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before JOLLY, SMITH, and GRAVES, Circuit Judges.

PER CURIAM:\*

This panel affirmed the judgment of sentence. *United States v. Ross*, 689 F. App'x 237 (5th Cir. 2017) (per curiam). The Supreme Court summarily reversed and remanded “for further consideration in light of *Dean v. United*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 16-11443

*States*, 581 U.S. ---, 137 S. Ct. 1170, 197 L. Ed. 2d 490 (2017).” *Ross v. United States*, 138 S. Ct. 422 (2017).

The judgment is VACATED and REMANDED. This panel has not sought supplemental briefing, instead leaving it to the district court to consider, in the first instance, the applicability of *Dean*. We express no view on what action the district court should take on remand.