

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-40351
Summary Calendar

ROI LE' SHILOH-BRYANT,

Plaintiff-Appellant,

VERSUS

JOHN RIGGLE, St. Michael Unit,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
(6:92-CV-568)

(December 2, 1994)

Before SMITH, EMILIO M. GARZA, and PARKER, Circuit Judges.

PER CURIAM:*

It is not clear whether the district court's reference in its order of dismissal to the "September 24, 1993 evidentiary hearing and the objections raised by Plaintiff Stitt thereto" is a clerical misstatement, or whether the order of dismissal is based upon the district court's review of the record in a different case involving

* Local Rule 47.5.1 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that rule, the court has determined that this opinion should not be published.

a plaintiff named Stitt. Therefore, the case is remanded for the limited purpose of clarifying whether the misstatement in the order is a clerical or substantive error. If the district court determines that further proceedings on the merits are necessary, it should so notify this court so that we may relinquish jurisdiction and enter an order of remand.

This matter is REMANDED for the aforesaid limited purpose; this court retains jurisdiction in the interim.