

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-20108
Summary Calendar

THOMAS SOSA,

Petitioner-Appellant,

versus

GARY L. JOHNSON, Director,
Texas Department of Criminal Justice,
Institutional Division,

Respondent-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-97-CV-1662

October 18, 1999

Before HIGGINBOTHAM, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

Thomas Sosa (TDCJ # 66862) was granted a certificate of appealability (COA) in his appeal of the district court's dismissal of his federal petition for habeas corpus for failure to exhaust state court remedies. The Respondent concedes that Sosa has exhausted his state remedies and requests that we vacate the judgment of the district court and remand the case. Because our review of the state court record confirms that Sosa has

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

sufficiently exhausted his state court remedies with regard to the claims the district court found unexhausted, we VACATE the judgment of dismissal and REMAND the case for further proceedings. See Richardson v. Procunier, 762 F.2d 429, 431-32 (5th Cir. 1985). All outstanding motions are DENIED.