

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-40515

RICHARD F. TREST,

Petitioner-Appellant,

versus

BURL CAIN, Warden, Louisiana State Penitentiary,

Respondent-Appellee.

Appeal from the United States District Court
for the Western District of Louisiana

May 14, 1998

ON REMAND FROM THE UNITED STATES SUPREME COURT

(Opinion September 17, 1996, 5th Cir., 1996, 94 F.3d 1005)

Before JONES, STEWART, and PARKER, Circuit Judges.

BY THE COURT:

This court, having considered the post-remand briefs filed by counsel for both parties, concludes that justice would best be served by remanding this case to the district court, and it is therefore ORDERED, that the case is REMANDED to the district court for further proceedings consistent with the decision of the U.S. Supreme Court in Trest v. Cain, Warden, No. 96-7901, slip op. ___ U.S. ___ (Dec. 9, 1997).