

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

United States Court of Appeals
Fifth Circuit

FILED

November 15, 2012

No. 10-60890
Summary Calendar

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

WILLIE LEE FIELDS,

Defendant - Appellant

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 2:09-CR-30-1

ON REMAND FROM THE SUPREME COURT
OF THE UNITED STATES

Before JONES, BENAVIDES and GRAVES, Circuit Judges.

PER CURIAM:*

After our opinion was issued in this case, the Supreme Court decided *Dorsey v. United States*, 132 S. Ct. 2321 (2012). *Dorsey* held, contrary to our opinion, that the more lenient penalties of the Fair Sentencing Act (“Act”) apply

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 10-60890

to offenders who committed an offense before the Act was passed, but were sentenced after the Act was enacted. *Dorsey* does not affect our affirmance of Fields's conviction, but we must VACATE and REMAND this case for resentencing consistent with the Court's holding in *Dorsey*.

Conviction AFFIRMED; VACATED and REMANDED for Resentencing