

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

March 14, 2022

Lyle W. Cayce
Clerk

No. 18-10940

UNITED STATES OF AMERICA,

Plaintiff—Appellant,

versus

MICHAEL DEWAYNE VICKERS,

Defendant—Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:15-CV-3912

Before SMITH, HIGGINSON, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

This panel's prior decision, found at 967 F.3d 480 (5th Cir. 2020), returns to us on remand from the Supreme Court. *See Vickers v. United States*, 141 S. Ct. 2783 (2021). In turn, we REMAND this case to the district court for further consideration in light of *Borden v. United States*, 141 S. Ct. 1817 (2021). On remand, the district court should first determine whether

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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there is jurisdiction to consider Vickers's successive 28 U.S.C. § 2255 petition in light of our decisions in *United States v. Wiese*, 896 F.3d 720 (5th Cir. 2018), and *United States v. Clay*, 921 F.3d 550 (5th Cir. 2019).