

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 17-14807

D.C. Docket Nos. 0:16-cv-61367-DMM; 0:13-cr-60006-DMM-1

JEAN EVANS ANTOINE,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

Appeal from the United States District Court
for the Southern District of Florida

(August 2, 2019)

Before WILLIAM PRYOR and NEWSOM, Circuit Judges, and VRATIL,* District Judge.

* Honorable Kathryn H. Vratil, United States District Judge for the District of Kansas, sitting by designation.

PER CURIAM:

Jean Antoine, a federal prisoner proceeding with counsel, appeals the district court's denial of his 28 U.S.C. § 2255 motion to vacate, in which he argued that *Johnson v. United States*, 135 S. Ct. 2551 (2015), invalidated his 18 U.S.C. § 924(c) conviction (predicated on a conspiracy to commit Hobbs Act robbery offense). The district court granted a certificate of appealability on the issue of whether *Johnson* applies to § 924(c)(3)(B).

While his appeal was pending, the Supreme Court decided *United States v. Davis*, in which it held that § 924(c)(3)'s residual clause is unconstitutionally vague. 139 S. Ct. 2319, 2323, 2336 (2019). And we held in a published order that *Davis* announced “a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable,” 28 U.S.C. § 2255(h)(2). *In re Hammoud*, — F.3d —, No. 19-12458, slip op. at 4–8 (11th Cir. July 23, 2019). Because the district court didn't have the benefit of these decisions when adjudicating Antoine's § 2255 motion, we vacate and remand so that the district court may reconsider, in light of these new precedents, whether Antoine is entitled to any § 2255 relief. In addition to the issues the parties have raised up to now, the district court may wish to consider whether it makes sense to permit Antoine to amend his motion in light of *Davis*. We express no opinion about this or any other issue.

VACATED AND REMANDED.