

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

United States Court of Appeals  
Fifth Circuit

**FILED**

November 28, 2012

Lyle W. Cayce  
Clerk

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No. 10-61008  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

SAMUEL PAUL PETTIS,

Defendant-Appellant

Cons. w/ No. 10-61009

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

LARRY SHOUMAKER,

Defendant-Appellant

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Appeals from the United States District Court  
for the Northern District of Mississippi  
USDC No. 2:09-CR-156-1  
USDC No. 1:10-CR-7-1

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**ON REMAND FROM  
THE SUPREME COURT OF THE UNITED STATES**

No. 10-61008  
c/w No. 10-61009

Before JOLLY, JONES and SMITH, 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 to offenders who committed an offense before the Act was passed, but were sentenced after the Act was enacted. We VACATE and REMAND this case for resentencing consistent with the Court’s holding in *Dorsey*.

**VACATED and REMANDED for Resentencing.**

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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