

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

No. 11-10050
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 12, 2014

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

TOMMY DALE DANIEL,

Defendant - Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:07-CR-142-1

ON REMAND FROM
THE SUPREME COURT OF THE UNITED STATES

Before DAVIS, BARKSDALE, and ELROD, Circuit Judges.

PER CURIAM:*

On appeal, Tommy Dale Daniel challenged the judgment in two respects: his convictions for possession of child pornography; and the ordered restitution. Our court affirmed. *United States v. Daniel*, 532 F. App'x 522 (5th Cir. 2013).

* Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.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. 11-10050

The Supreme Court vacated our judgment and remanded for further consideration in the light of *Paroline v. United States*, 134 S. Ct. 1710 (2014), which held 18 U.S.C. § 2259 requires “restitution in an amount that comports with the defendant’s relative role in the causal process that underlies the victim’s general losses”, *id.* at 1727.

Accordingly, we VACATE only the ordered restitution, and, for that issue, REMAND for proceedings consistent with the Supreme Court’s opinion in *Paroline*. The balance of the judgment remains AFFIRMED.

AFFIRMED IN PART; VACATED and REMANDED IN PART.