

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

No. 14-70001

United States Court of Appeals
Fifth Circuit

FILED

August 9, 2017

Lyle W. Cayce
Clerk

JAMES LEE HENDERSON,

Petitioner - Appellant

v.

LORIE DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent - Appellee

Appeal from the United States District Court
for the Eastern District of Texas

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before JOLLY, SMITH, and ELROD, Circuit Judges.

PER CURIAM:

This Court affirmed the district court's denial of Henderson's successive federal habeas petition in which he claimed that he is intellectually disabled and thus ineligible to be executed under *Atkins v. Virginia*, 536 U.S. 304 (2002). *Henderson v. Stephens*, 791 F.3d 567 (5th Cir. 2015). The Supreme Court granted certiorari, vacated our judgment, and remanded this case to us for further consideration in the light of *Moore v. Texas*, 137 S. Ct. 1039 (2017). *Henderson v. Davis*, 137 S. Ct. 1450 (2017). It appears that the remand from the Supreme Court is best vetted and addressed first by the district court.

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Accordingly, we VACATE the judgment of the district court and REMAND this case to the district court for further proceedings in the light of *Moore*.