

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

No. 16-70010

United States Court of Appeals
Fifth Circuit

FILED

December 12, 2017

Lyle W. Cayce
Clerk

STEVEN LYNN LONG,

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 Northern District of Texas
USDC No. 3:12-CV-839

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before CLEMENT, ELROD, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

This court denied Steven Long's application for a certificate of appealability in which he claimed that he is intellectually disabled and thus could not be executed. *Long v. Davis*, 663 F. App'x 361 (5th Cir. 2017). The

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Supreme Court granted certiorari, vacated that judgment, and remanded this case to us for further consideration in light of *Moore v. Texas*, 137 S. Ct. 1039 (2017). *Long v. Davis*, 138 S.Ct. 72 (2017). We conclude that a review of the effect of the *Moore* decision on Long's conviction and sentence should first be addressed by the district court.

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