

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

No. 17-30036

United States Court of Appeals
Fifth Circuit

FILED

April 4, 2018

Lyle W. Cayce
Clerk

CLAIMANT ID 100296800,

Requesting Party – Appellant,

v.

BP EXPLORATION PRODUCTION, INCORPORATED; BP AMERICA
PRODUCTION COMPANY; BP, P.L.C.,

Objecting Parties – Appellees.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:16-CV-15246

Before JOLLY, DENNIS, and ELROD, Circuit Judges.

PER CURIAM:*

Claimant ID 100296800 filed a claim under the BP *Deepwater Horizon* Economic Settlement. Claimant appeals the district court's denial of discretionary review of an appeals panel decision denying the claim. During the pendency of this appeal, the court issued *In re Deepwater Horizon*, 858 F.3d 298 (5th Cir. 2017) (*Deepwater Horizon II*). Following *Deepwater Horizon II*'s

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

issuance, the district court remanded all affected claims pending on discretionary review to the Claims Administrator. The Claims Administrator was ordered to process the claims “under the Annual Variable Margin Methodology, except that revenue shall not be reallocated, restated, smoothed, or moved unless done to correct an error.” As the district court did not have the benefit of our decision in *Deepwater Horizon II* when it denied discretionary review in this case, we REMAND the case to the district court so that it may handle it consistently with its June 13, 2017 interim order.