

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Nos. 02-5032; 08-5644

BYRON LEWIS BLACK,
Petitioner - Appellant,

v.

RICKY BELL, Warden,
Respondent - Appellee.

Before: MARTIN, BOGGS, and GILMAN, Circuit Judges.

JUDGMENT

On Appeal from the United States District Court
for the Middle District of Tennessee at Nashville.

THIS CAUSE was heard on the record from the district court and was argued by counsel.

IN CONSIDERATION WHEREOF, it is ORDERED that the district court's denial of petitioner Byron Lewis Black's habeas petition regarding his non-*Atkins* claims is AFFIRMED, the district court's judgment regarding the denial of Black's petition concerning his *Atkins* claim is VACATED, and the case is REMANDED for further proceedings consistent with the opinion of this court.

ENTERED BY ORDER OF THE COURT



Leonard Green, Clerk

FILED
Dec 15, 2011
LEONARD GREEN, Clerk