

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

No. 12-6310

GARY WAYNE SUTTON,  
Petitioner - Appellant,

v.

WAYNE CARPENTER, Warden,  
Respondent - Appellee.

Before: MOORE, WHITE, and DONALD, Circuit Judges.

**JUDGMENT**On Appeal from the United States District Court  
for the Eastern District of Tennessee at Knoxville.THIS CAUSE was heard on the record from the district court and was submitted on the  
briefs without oral argument.IN CONSIDERATION WHEREOF, it is ORDERED that the case is REMANDED to  
the district court for proceedings consistent with the opinion of this court.**ENTERED BY ORDER OF THE COURT**

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Deborah S. Hunt, Clerk**FILED**  
**Mar 19, 2014**  
DEBORAH S. HUNT, Clerk