

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

JANIKA FERNAE BATES, )  
 )  
Petitioner, ) CIVIL ACTION NO.  
 )  
v. ) 2:12cv580-MHT  
 ) (WO)  
UNITED STATES OF AMERICA, )  
 )  
Respondent. )

JUDGMENT

Upon consideration of the opinion of the United States Court of Appeals for the Eleventh Circuit entered on May 19, 2016 (doc. no. 39), wherein the final judgment of this court made and entered herein on September 14, 2015 (doc. no. 27), was vacated and remanded; and the mandate of the United States Court of Appeals for the Eleventh Circuit issued on July 11, 2016, and received in the office of the clerk of this court on July 11, 2016 (doc. no. 40), it is the ORDER, JUDGMENT, and DECREE of the court that:

(1) The opinion and final judgment of this court

made and entered on September 14, 2015 (doc. nos. 26 & 27), are vacated.

(2) Petitioner Janika Fernae Bates's petition for habeas corpus pursuant to 28 U.S.C. § 2255 (doc. no. 1) is granted.

(3) Petitioner Bates is to remain in the custody of the Attorney General pending resentencing.

(4) No costs are taxed.

The clerk of court is DIRECTED to file a copy of the opinion of the appeals court and this judgment in U.S.A. v Bates, criminal action no. 2:11-cr-006-MHT.

The clerk of the court is further DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

This case is closed.

DONE, this the 21st day of July, 2016.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE