

FILED

June 23, 2004

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

Charles R. Fulbruge III
Clerk

No. 04-70020

D.C. Docket No. H-04-CV-1514

United States Courts
Southern District of Texas
FILED

JUN 28 2004

Michael N. Milby, Clerk

DAVID RAY HARRIS

Plaintiff - Appellant

v.

DOUG DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE,
CORRECTIONAL INSTITUTIONS DIVISION; NEILL HODGES, Warden;
UNKNOWN EXECUTIONERS

Defendants - Appellees

Appeal from the United States District Court for the
Southern District of Texas, Houston.

Before SMITH, DENNIS, and CLEMENT, Circuit Judges.

J U D G M E N T

This cause was considered on the record on appeal and the
briefs on file.

It is ordered and adjudged that the judgment of the District
Court is reversed, and the cause is remanded to the District
Court for further proceedings in accordance with the opinion of
this Court.

ISSUED AS MANDATE: JUN 23 2004

A true copy
Test
Clerk, U. S. Court of Appeals, Fifth Circuit
By [Signature]
Deputy
New Orleans, Louisiana

JUN 23 2004

15