

August 1, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-51451

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

LUIS ALFONSO TALAMANTES-RINCON

Defendant - Appellant

Appeal from the United States District Court
for the Western District of Texas
(04-CR-1394)

Before BARKSDALE, STEWART, and CLEMENT, Circuit Judges.

PER CURIAM:*

IT IS ORDERED that appellee's unopposed motion to vacate sentence is granted.

IT IS FURTHER ORDERED that appellee's unopposed motion to remand case to the district court for resentencing is granted.

IT IS FURTHER ORDERED that appellee's alternative motion to extend time to file appellee's brief until fourteen (14) days after denial of the motion to vacate and remand is denied as moot.

* Pursuant to 5th Cir. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.