

July 22, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-30296
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ADAN DELIMA,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 01-CR-50108-ALL

Before JONES, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:*

Adan Delima appeals his sentence following his guilty plea conviction of possession with intent to distribute cocaine. On appeal, Delima argues that the district court erred in resentencing him upon remand from this court without his presence.

The district court erred by resentencing Delima in his absence. See FED. R. CRIM. P. 43; United States v. Moree, 928

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

F.2d 654, 656 (5th Cir. 1991). It is therefore ordered that Delima's sentence be vacated and the matter remanded.

VACATED AND REMANDED.