

**FILED**

November 30, 2005

Charles R. Fulbruge III  
Clerk

REVISED DECEMBER 1, 2005

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-50057

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

HORACE EDWARD HOLLIS, JR

Defendant - Appellant

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Appeal from the United States District Court for the  
Western District of Texas, Waco  
W-02-CR-62-ALL  
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Before HIGGINBOTHAM, WIENER, and DENNIS, Circuit Judges.

PER CURIAM:\*

IT IS ORDERED that Appellee's unopposed motion to vacate the sentence is GRANTED.

IT IS FURTHER ORDERED that Appellee's unopposed motion to remand case for resentencing consistent with *Mitchell v. United States*, 482 F.2d 289 (5<sup>th</sup> Cir. 1973) is GRANTED.

IT IS FURTHER ORDERED that Appellee's unopposed motion to

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\*Pursuant to 5<sup>TH</sup> 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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5<sup>TH</sup> CIR. R. 47.5.4.

extend the time to file supplemental material requested by court  
fourteen (14) days from disposition of motion to vacate is DENIED  
AS MOOT.