

FILED

April 27, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-10939

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

MARTIN A CALDERON

Defendant - Appellant

Appeal from the United States District Court for the
Northern District of Texas, Amarillo
2:03-CR-88-1

Before JONES, BARKSDALE, and PRADO, Circuit Judges.

PER CURIAM:*

IT IS ORDERED that the joint motion to vacate sentence
is GRANTED.

IT IS FURTHER ORDERED that the joint motion to remand for
resentencing is GRANTED.

* 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opinion should not be published and is not precedent except under the limited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.