

June 13, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-40749
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TIMOTEO RAMIREZ-MALDONADO,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 1:04-CR-144-ALL

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before BENAVIDES, CLEMENT, and PRADO, Circuit Judges.

PER CURIAM:*

This court affirmed the conviction and sentence of Timoteo Ramirez-Maldonado (Ramirez). United States v. Ramirez-Maldonado, 145 F. App'x 55 (5th Cir. 2005). The Supreme Court vacated and remanded for further consideration in light of Lopez v. Gonzales, 127 S. Ct. 625 (2006).

Ramirez has been deported. He therefore would not legally be able to attend any resentencing, as is required by FED. R.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

CRIM. P. 43, should this court remand his case. We are unable to grant Ramirez relief. His appeal is moot and is dismissed. See United States v. Rosenbaum-Alanis, 483 F.3d 381, 383 (5th Cir. 2007).

APPEAL DISMISSED.