

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-50781

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United States Court of Appeals  
Fifth Circuit

**FILED**

April 27, 2005

Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

JOSE MORALES-MACIAS

Defendant - Appellant

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Appeal from the United States District Court for the  
Western District of Texas, Del Rio  
2:04-CR-89-1-AML  
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Before WIENER, BENAVIDES, and STEWART, 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 to district court for resentencing is GRANTED.

IT IS FURTHER ORDERED that Appellee's alternative request for an extension of time to file the Appellee's brief 14 days from the denial of Appellee's motion to vacate and remand is DISMISSED as unnecessary.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5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