

FILED

April 15, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-50922

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

MIGUEL FERNANDO MONARREZ-LOZANO

Defendant - Appellant

Appeal from the United States District Court for the
Western District of Texas, El Paso
3:01-CR-1900-ALL-DB

Before GARZA, DeMOSS, and CLEMENT, 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 for resentencing in light of Supreme Court's opinion in Booker and this Court's opinion in Mares is GRANTED.

IT IS FURTHER ORDERED that appellee's unopposed motion to extend time to file appellee's brief until 14 days from the Court's denial of appellee's motion to vacate and remand is MOOT.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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