

FILED

April 8, 2005

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 04-50939

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

JESUS HERNANDEZ-RAIGOZA also known as, Javier
Rodarte-Delgado

Defendant - Appellant

Appeal from the United States District Court for the
Western District of Texas, El Paso
3:04-CR-307-ALL-KC

Before JONES, BARKSDALE, and PRADO, Circuit Judges.

PER CURIAM:*

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

IT IS FURTHER ORDERED that the Appellee's unopposed motion to remand to district court for resentencing in light of the Supreme Court's opinion in Booker and this Court's opinion in Mares is GRANTED.

IT IS FURTHER ORDERED that the Appellee's unopposed alternative motion to extend time to file Appellee's brief

* Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

fourteen (14) days from the Court's denial of the Appellee's motion to vacate and remand is DENIED as unnecessary.