

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-51312

United States Court of Appeals
Fifth Circuit

FILED

April 19, 2005

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

ROBERTO AGUIRRE-VILLA also known as, Jose Hernandez

Defendant - Appellant

Appeal from the United States District Court
for the Western District of Texas
(04-CR-687)

Before GARZA, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:*

IT IS ORDERED that appellee's unopposed motion to vacate the sentence is granted.

IT IS FURTHER ORDERED that appellee's unopposed motion to remand case to the United States District Court for the Western District of Texas, El Paso Division, 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*Pursuant to 5th Cir. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

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.