

**FILED**

July 12, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-51390

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

ALEJANDRO MARTINEZ-FLORES also known as, Raul Torres-Lopez

Defendant - Appellant

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Appeal from the United States District Court for the  
Western District of Texas, Del Rio  
2:04-CR-317-1-AML  
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Before GARZA, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:\*

IT IS ORDERED that appellee's unopposed motion to vacate appellant's sentence is GRANTED.

IT IS FURTHER ORDERED that appellee's unopposed motion to remand to the district court for resentencing is GRANTED.

IT IS FURTHER ORDERED that appellee's alternative motion to extend time to file appellee's brief for a period of fourteen (14) days after this court's denial of motion to vacate and remand is MOOT.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5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