

June 23, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-51456

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

JOSE CARMEN LUGO-REGALADO

Defendant - Appellant

Appeal from the United States District Court for the
Western District of Texas, El Paso

Before DAVIS, SMITH and DENNIS, Circuit Judges.

PER CURIAM:¹

IT IS ORDERED that the unopposed motion of appellee to vacate the sentence is GRANTED.

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

IT IS FURTHER ORDERED that the unopposed motion of appellee for a 14 day extension of time to file appellee's brief is DENIED AS UNNECESSARY.

¹Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. 47.5.4.