

July 5, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-51459

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

JUAN CARLOS ZACARIAS-AMADOR

Defendant - Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
(04-CR-668)  
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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 for resentencing in light of the Supreme Court's recent opinion in Booker and this Court's opinion in Mares is granted.

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 Cir. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5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

IT IS FURTHER ORDERED that appellee's unopposed motion in the alternative 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.