

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 06-50760

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United States Court of Appeals  
Fifth Circuit  
**FILED**  
January 10, 2007

Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

JESUS LOPEZ-MOLINA

Defendant - Appellant

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Appeal from the United States District Court for the  
Western District of Texas, El Paso  
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Before SMITH, WIENER and OWEN, Circuit Judges.

PER CURIAM:\*

IT IS ORDERED that the appellee's unopposed motion to vacate sentence of the district court is GRANTED.

IT IS FURTHER ORDERED that the appellee's unopposed motion to remand case to the United States District Court for re-sentencing is GRANTED.

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\*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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 the appellee's alternative unopposed motion to extend time to file it's brief until thirty days after the court's denial of the motion to vacate and remand is DENIED as unnecessary.