

January 18, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-51061

UNITED STATES OF AMERICA,
Plaintiff - Appellee,

ISMAEL TOSTADO-NUNEZ,
Defendant - Appellant.

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

Before SMITH, WIENER, and OWEN, Circuit Judges.

PER CURIAM:*

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

IT IS FURTHER ORDERED that the Appellant's unopposed motion to remand case to district court for re-sentencing is GRANTED.

IT IS FURTHER ORDERED that the Appellant's unopposed motion to issue the mandate immediately upon entry of the Court's opinion 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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.