

**UNITED STATES COURT OF APPEALS**

**FOR THE FIFTH CIRCUIT**

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No. 95-50562

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOE D. HERRERA, JR.,

Defendant-Appellant.

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

August 31, 1995

Before BARKSDALE, DeMOSS and BENAVIDES, Circuit Judges.

PER CURIAM:

IT IS ORDERED that government's motion to vacate  
sentence and remand for resentencing is GRANTED; and

that Herrera's motion for release on bail pending  
appeal is DENIED as moot.