

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

September 21, 2007

Charles R. Fulbruge III  
Clerk

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No. 05-40153  
Summary Calendar

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UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

NOE SIFUENTES-FLORES, also known as Carlos Solares-Hernandez

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:04-CR-102-ALL

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ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before BARKSDALE, STEWART, and CLEMENT, Circuit Judges.

PER CURIAM:\*

This court affirmed the sentence of Noe Sifuentes-Flores (Sifuentes). *United States v. Sifuentes-Flores*, 145 F. App'x 497, 498 (5th Cir. 2005). The Supreme Court vacated and remanded for further consideration in light of *Lopez v. Gonzales*, 127 S. Ct. 625 (2006).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Sifuentes has been deported. He therefore would not legally be able to attend any resentencing, as is required by FED. R. CRIM. P. 43, should this court remand his case. We are unable to grant Sifuentes relief. His appeal is moot and is dismissed. See *United States v. Rosenbaum-Alanis*, 483 F.3d 381, 382-83 (5th Cir. 2007), petition for cert. filed (June 25, 2007) (No. 06-12082).

APPEAL DISMISSED.