

May 9, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-41593

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

TIMOTHY RINEHART

Defendant - Appellant

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Appeal from the United States District Court  
for the Eastern District of Texas  
(04-CR-82)  
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Before HIGGINBOTHAM, BENNAVIDES and DENNIS, Circuit Judges.

PER CURIAM:

IT IS ORDERED that the appellee's motion to vacate the district court judgment and remand the case is granted for sentencing anew. Defendant shall be given the opportunity to withdraw his plea.

IT IS FURTHER ORDERED that the appellee's alternative motion for extension of time to file appellee's brief until 20 days

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 Cir. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5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

from denial of motion to vacate and remand is denied as unnecessary.