

FILED

December 8, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-50371

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

CESAR SANTA CRUZ-PASILLAS

Defendant - Appellant

Appeal from the United States District Court for the
Western District of Texas, El Paso
3:04-CR-2363

Before HIGGINBOTHAM, BENAVIDES and DENNIS, Circuit Judges.

PER CURIAM:*

IT IS ORDERED that the Appellee's unopposed motion to vacate the sentence is GRANTED.

IT IS FURTHER ORDERED that the Appellee's unopposed motion to remand the case to District Court for resentencing is GRANTED.

IT IS FURTHER ORDERED that the Appellee's alternative unopposed motion to extend time to file the Appellee's brief until fourteen (14) days from the Court's denial of the Appellee's motion to vacate and remand is DENIED as moot.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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