

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-40572  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE ALFREDO RESENDEZ-MENDEZ,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. B-97-CR-450-1  
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March 17, 2000

Before SMITH, BARKSDALE, and PARKER, Circuit Judges.

PER CURIAM:\*

Jose Alfredo Resendez-Mendez appeals his sentence following his guilty plea conviction for being an alien found illegally within the United States in violation of 8 U.S.C. § 1326. At his sentencing hearing, the district court failed to address Resendez-Mendez personally and give him an opportunity to make a statement or provide information in mitigation of his sentence, as required under Federal Rule of Criminal Procedure 32(c)(3)(C).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The denial of Resendez-Mendez's right of allocution requires that his sentence be vacated and that his cause be remanded for resentencing. See United States v. Echeqollen-Barrueta, 195 F.3d 786, 789 (5th Cir. 1999).

Accordingly, Resendez-Mendez's sentence is VACATED and the cause REMANDED for resentencing.