

**FILED**

April 5, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-51238

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

MARIO FRANCISCO GONZALEZ-SALAZAR also known as, Mario  
Salazar-Gonzalez

Defendant - Appellant

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Appeal from the United States District Court for the  
Western District of Texas, El Paso  
3:04-CR-1580-ALL  
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Before JONES, BARKSDALE, and PRADO, 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 the United States District Court, for the  
Western District of Texas, El Paso Division, for resentencing is  
GRANTED.

IT IS FURTHER ORDERED that the appellee's alternative

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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opinion should not be published and is not precedent except under the limited  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.

unopposed motion to extend the time to file the appellee's brief  
14 days from the court's denial of appellee's motion to vacate  
and remand is DENIED as moot.