

FILED

April 6, 2005

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 05-50040

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

VALENTIN LOPEZ-SIGALA

Defendant - Appellant

Appeal from the United States District Court for the
Western District of Texas, El Paso
3:04-CR-1459-ALL

Before GARZA, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:*

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

IT IS FURTHER ORDERED that Appellant's unopposed motion to remand the case to the Western District of Texas, El Paso Division for resentencing is GRANTED.

IT IS FURTHER ORDERED that Appellant's motion to suspend briefing 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* Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

IT IS FURTHER ORDERED that Appellant's alternative request for an extension of time to file the Appellee's brief 30 days from the denial of Appellant's motion to vacate and remand is DENIED as moot.