

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-51087

United States Court of Appeals
Fifth Circuit

FILED

April 26, 2005

UNITED STATES OF AMERICA

Plaintiff - Appellee

Charles R. Fulbruge III
Clerk

v.

LUIS ROBERTO TOVAR-MARTINEZ, also known as Francisco
Calderon-Juarez, also known as Emilio Gomez-Perez

Defendant - Appellant

No. 04-51088

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

LUIS ROBERTO TOVAR-MARTINEZ, also known as Francisco
Calderon-Juarez

Defendant - Appellant

Appeals from the United States District Court
for the Western District of Texas
(04-CR-886)
(04-CR-1439)

Before WIENER, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

*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this opinion should not be published and is not precedent except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 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 unopposed alternative 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 motion to remand is denied as moot.