

FILED

April 7, 2006

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 05-50964

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

ARMANDO MARTINEZ-LOPEZ

Defendant - Appellant

Appeal from the United States District Court for the
Western District of Texas, Del Rio
2:05-CR-72

Before HIGGINBOTHAM, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

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

IT IS FURTHER ORDERED that appellee's unopposed motion to remand case to the district court for resentencing is GRANTED.

IT IS FURTHER ORDERED that appellee's unopposed alternative motion to extend time to file appellee's brief until 14 days after denial of 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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.