

**August 15, 2005**

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 04-51358

---

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

AURELIANO AGUILAR-TAPIA

Defendant - Appellant

-----  
Appeal from the United States District Court for the  
Western District of Texas, Del Rio  
-----

Before SMITH, GARZA, and PRADO, Circuit Judges.

PER CURIAM:<sup>1</sup>

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.

---

<sup>1</sup>Pursuant to 5<sup>th</sup> Circuit Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5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> Circuit Rule 47.5.4.

IT IS FURTHER ORDERED that appellee's unopposed alternative motion to extend time to file appellee's brief until 14 days after denial of the motion to vacate and remand is DENIED.