

**FILED**  
July 13, 2005

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-11336

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Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

ANTONIO DE LA GARZA-GARCIA

Defendant - Appellant

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Appeal from the United States District Court for the  
Northern District of Texas, Dallas  
3:04-CR-43-3-N  
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Before DAVIS, SMITH, and DENNIS, 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 District Court for resentencing is GRANTED.

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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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5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.