

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

June 23, 2005

No. 04-11510

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

JAVIER BALDERAS VILLANUEVA

Defendant - Appellant

Appeal from the United States District Court for the
Northern District of Texas, Dallas
3:03-CR-2031-ALL-KC

Before WIENER, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:*

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

IT IS FURTHER ORDERED that Appellee's unopposed motion to remand the case to the Northern District of Texas, Dallas Division for resentencing is GRANTED.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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