

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 04-51407

United States Court of Appeals
Fifth Circuit

FILED

May 5, 2005

UNITED STATES OF AMERICA

Charles R. Fulbruge III
Clerk

Plaintiff - Appellee

v.

RICARDO HERNANDEZ-FELIZ also known as, Freddie Navidad

Defendant - Appellant

Appeal from the United States District Court
for the Western District of Texas
(04-CR-1236)

Before JONES, BARKSDALE, and PRADO, 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 United States District Court for the Western District of Texas, El Paso Division for resentencing in light of the Supreme Court's opinion in Booker and this Court's opinion in Mares 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*Pursuant to 5th Cir. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

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 remand is denied as unnecessary.