

May 6, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

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No. 02-30514

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

KENNETH WAYNE PEARSON

Defendant - Appellant

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Appeal from the United States District Court  
for the Western District of Louisiana

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**ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES**

Before KING, Chief Judge, and JONES and SMITH, Circuit Judges.

PER CURIAM:\*

Defendant Kenneth Wayne Pearson argues that his sentence should be vacated in light of United States v. Booker, 125 S. Ct. 738 (2005), and the case remanded to the district court for resentencing. The government does not oppose a remand for the purpose of resentencing. Accordingly, IT IS ORDERED that the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

defendant's conviction is REINSTATED. IT IS FURTHER ORDERED that the defendant's sentence is VACATED and REMANDED to the United States District Court for the Western District of Louisiana for resentencing.