

**FILED**

May 20, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-51127

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

SERGIO MORALES-SANDOVAL

Defendant - Appellant

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Appeal from the United States District Court for the  
Western District of Texas, El Paso  
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Before GARZA, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:\*

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 district court for resentencing is granted.

IT IS FURTHER ORDERED that Appellee's alternative motion to extend time to file Appellee's brief 14 days from the court's denial of Appellee's motion to vacate and remand is moot.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5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