

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

\_\_\_\_\_  
No. 04-51286  
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United States Court of Appeals  
Fifth Circuit

**FILED**

May 27, 2005

Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

RAMON RAMIREZ-NIEVES

Defendant - Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
(04-CR-1085)  
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Before JONES, BARKSDALE, and PRADO, 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 case to the United States District Court for the Western District of Texas, El Paso Division, for resentencing is granted.

IT IS FURTHER ORDERED that appellee's unopposed motion in

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 Cir. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5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

the alternative to extend time to file appellee's brief until 14 days from the Court's denial of appellee's motion to vacate and remand is denied as moot.