

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-50145

United States Court of Appeals
Fifth Circuit

FILED

May 31, 2005

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

EDUARDO MADRID-MANRIQUEZ

Defendant - Appellant

Appeal from the United States District Court
for the Western District of Texas
(04-CR-2001)

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 the case to district court for resentencing in light of the Supreme Court's recent 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* Pursuant to 5th Cir. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.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 appellee's unopposed motion in 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 unnecessary.