

**FILED**

November 17, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-21010

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CARLOS EDUARDO MATA-RAMIREZ,

Defendant-Appellant.

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Appeal from the United States District Court for  
the Southern District of Texas  
(USDC No. 4:03-CR-226-ALL)

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ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before REAVLEY, WIENER, and BENAVIDES, Circuit Judges.

PER CURIAM\*:

The Supreme Court has vacated our previous judgment to have the appeal reconsidered in light of United States v. Booker, 543 U.S. \_\_\_\_ (2005).

We see no Booker issue. The definition of “dangerous weapon” in the supervised release

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5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

condition is simply a legal question. And Apprendi remains foreclosed by Almendarez-Torres.

The conviction and sentence of the district court are AFFIRMED.