

May 17, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-11438

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

FRANCISCO ESTABANE

Defendant - Appellant

Appeal from the United States District Court
for the Northern District of Texas
(04-CR-97)

Before JONES, BARKSDALE, and PRADO, Circuit Judges.

PER CURIAM:*

IT IS ORDERED that the Appellee's unopposed motion to vacate the sentence is granted.

IT IS FURTHER ORDERED that the Appellee's unopposed motion to remand the case to the United States District Court for the Northern District of Texas, Dallas Division for resentencing 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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

