

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-40469
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE MAXIMILIANO MENA-RAMIREZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. L-01-CR-553-ALL

March 18, 2003

Before JONES, STEWART and DENNIS, Circuit Judges.

PER CURIAM:*

Jose Maximiliano Mena-Ramirez pleaded guilty to illegal reentry following deportation in violation of 8 U.S.C. § 1326(a) and (b)(2). Pursuant to a judgment dated October 29, 2001, Mena-Ramirez was sentenced to 57 months' imprisonment. He appeals the denial of his 18 U.S.C. § 3582(c) motion for modification of his sentence.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Mena-Ramirez also filed a direct appeal of his sentence. In his direct appeal, this court granted Mena-Ramirez's unopposed motion to vacate the district court judgment of October 29, 2001, and remanded the matter for resentencing. See United States v. Mena-Ramirez, No. 01-40314, (5th Cir. May 28, 2002) (unpublished). On October 18, 2002, the district court issued a judgment resentencing Mena-Ramirez to 30 months' imprisonment.

Because this court vacated the judgment dated October 29, 2001, and because Mena-Ramirez has been resentenced, the issues raised in the appeal of the motion for reduction of sentence imposed in the judgment dated October 29, 2001, are moot. Accordingly, this appeal is **DISMISSED**.