

July 20, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-40167
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

JUAN FRANCISCO REYES-JASSO

Defendant - Appellant

Appeal from the United States District Court
for the Southern District of Texas
(03-CR-1452)

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before WIENER, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

The Supreme Court vacated the judgment in this case and remanded it to this Court to reconsider in light of *United States v. Booker*, 543 U.S. ___, 125 S. Ct. 738 (2005). Subsequently, we requested letter briefs from the parties with respect to *Booker* issues. In his letter brief, Appellant Juan Francisco Reyes-Jasso advised this Court that pursuant to our original panel

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

opinion, see *United States v. Reyes-Jasso*, No. 04-40167, 111 Fed. Appx. 778, 778-79 (5th Cir. Nov. 9, 2004), Appellant already has been resentenced by the district court in a post-*Booker* proceeding on March 9, 2005. Accordingly, Appellant contends that resentencing in light of *Booker* would be moot in this case. We agree.

Since the only matter presently before this Court is the impact of *Booker* on Appellant's appeal, and that issue is moot, we dismiss this appeal as moot.