

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

FILED

July 27, 2005

No. 04-50534

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

ALBERTO ROJAS-DE LA ROSA

Defendant - Appellant

Appeal from the United States District Court
for the Western District of Texas
(03-CR-666)

Before KING, Chief Judge, and DeMOSS and CLEMENT, Circuit Judges.

PER CURIAM:*

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

IT IS FURTHER ORDERED that appellee's unopposed motion to remand case to the district court 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* Pursuant to 5th Cir. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

IT IS FURTHER ORDERED that appellee's alternative unopposed motion to extend time to file appellee's brief until 14 days after denial of motion to vacate and remand is denied as moot.