

August 8, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 04-50804

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

ADAN RUIZ-LOERA also known as, Eugenio Rivera-Hernandez also
known as, Adan Ruiz Loera

Defendant - Appellant

Appeal from the United States District Court for the
Western District of Texas, El Paso

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

PER CURIAM:¹

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 District Court for resentencing is GRANTED.

IT IS FURTHER ORDERED that the Appellee's alternative

¹Pursuant to 5th Cir. R. 47.5, the Court has determined that this opinion should not be
published and is not precedent except under the limited circumstances set forth in 5th Cir. R.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.

unopposed motion to extend time to file the Appellee's supplemental brief until fourteen (14) days from the Court's denial of the Appellee's motion to vacate and remand is MOOT.