

**FILED**

June 3, 2005

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III  
Clerk

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No. 05-40032

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

JUAN ALBERTO TEJADA

Defendant - Appellant

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Appeal from the United States District Court for the  
Southern District of Texas, Laredo  
5:04-CR-1560-ALL  
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Before GARZA, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:\*

IT IS ORDERED that appellant's unopposed motion to remand case to the United States District Court for re-sentencing in light of USA v. Booker is GRANTED.

IT IS FURTHER ORDERED that appellant's unopposed alternative motion to extend time to file appellant's brief until 10 days from the denial of the motion to remand is MOOT.

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\* Pursuant to 5<sup>TH</sup> 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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5<sup>TH</sup> CIR. R. 47.5.4.