

FILED

March 21, 2007

Charles R. Fulbruge III
Clerk

*In The United States Court Of Appeals
For The Fifth Circuit*

No. 05-41328
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff–Appellee,

v.

LEONEL FLORES-HUERTA,

Defendant–Appellant.

Appeal from the United States District Court
For the Southern District of Texas
No. 5:05-CR-399

Before STEWART, DENNIS, and OWEN, Circuit Judges.

PER CURIAM:*

On December 11, 2006, the Supreme Court vacated our judgment in this case and remanded the case to this court for further consideration in light of *Lopez v. Gonzales*, 549 U.S. ____ (2006). Upon reconsideration, we AFFIRM the defendant’s conviction, but we VACATE the defendant’s sentence and REMAND for resentencing in light of *Lopez*.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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