

FILED

April 13, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-41596

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

JUSTIN WADE GRANTHAM

Defendant - Appellant

Appeal from the United States District Court for the
Eastern District of Texas, Sherman

Before KING, WIENER, and DeMOSS, Circuit Judges.

PER CURIAM:¹

IT IS ORDERED that appellee's motion to vacate District Court's judgment and remand case to the United States District Court for the Eastern District of Texas is GRANTED.

IT IS FURTHER ORDERED that appellee's alternative motion to extend time to file appellee's brief for twenty (20) days from this court's denial of motion to vacate and remand is DENIED AS MOOT.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th CIR.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