

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

FILED

June 24, 2005

No. 05-50043

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

RICHARD CLARK

Defendant - Appellant

Appeal from the United States District Court for the
Western District of Texas, San Antonio
5:03-CR-626-ALL

Before GARZA, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:*

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

IT IS FURTHER ORDERED that appellee's motion to remand to district court for resentencing in light of the Supreme Court's recent opinion in Booker and this Court's opinion in Mares is GRANTED.

IT IS FURTHER ORDERED that appellee's motion to extend time to file appellee's brief 14 days from the Court's denial of appellee's motion to vacate and remand is MOOT.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

