

**FILED**

November 8, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-50511

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

MARTIN CAMPA-HERNANDEZ

Defendant - Appellant

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Appeal from the United States District Court for the  
Western District of Texas, El Paso  
3:04-CR-2579  
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Before BARKSDALE, STEWART and CLEMENT, Circuit Judges.

PER CURIAM:\*

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 unopposed motion to extend time to file the Appellee's brief fourteen (14) days from the Court's denial of the Appellee's motion to vacate and remand is DENIED AS 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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5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.