

January 8, 2007

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 06-50956

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

JOSE LUIS CORTEZ-GERONIMO also known as, Jose Luis Cortes

Defendant - Appellant

Appeal from the United States District Court for the
Western District of Texas, Austin

Before JOLLY, GARZA and DENNIS, Circuit Judges.

PER CURIAM:*

IT IS ORDERED that the appellee's unopposed motion to vacate sentence of the district court is GRANTED.

IT IS FURTHER ORDERED that the appellee's unopposed motion to remand case to the United States District Court for re-sentencing is GRANTED.

* Pursuant to [5th Cir. R. 47.5](#), the court has determined that this order should not be published and is not precedent except under the limited circumstances set forth in [5th Cir. R. 47.5.4](#).

IT IS FURTHER ORDERED that the appellee's alternative unopposed motion to extend time to file its brief thirty days after this court's denial of the motion to vacate and remand is DENIED AS MOOT.