

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-50966

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROBERTO NOEL SOLIS,

Defendant-Appellant.

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Appeal from the United States District Court  
For the Western District of Texas  
(W-97-CR-35-10)

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December 7, 2000

Before HIGGINBOTHAM, WIENER, and DENNIS, Circuit Judges.

PER CURIAM:\*

The district court committed no reversible error in its handling of *Brady* and *Jenks* material. The conviction is affirmed.

The government properly concedes error in the sentence imposed for the conviction of violating 21 U.S.C. 841(b). See *Apprendi v. New Jersey*, 120 S.Ct. 2348; *United States v. Meshack*, 225 F.3d 556, 575 (5th Cir. 2000); and *United States v. Doggett*, 230 F.3d 160, 164-65 (5th Cir. 2000). The sentence is vacated and the case is

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

remanded to enable the district court to fashion a new sentence within the boundaries set by 21 U.S.C. § 841(b)(1)(D).

Judgment AFFIRMED. Sentence VACATED and case REMANDED.