

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-51325

United States Court of Appeals
Fifth Circuit
FILED

April 21, 2005

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

MICHAEL JAMES BRUCKER

Defendant - Appellant

Appeal from the United States District Court
for the Western District of Texas
(04-CR-1100)

Before JONES, BARKSDALE, and PRADO, Circuit Judges.

PER CURIAM:

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

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

IT IS FURTHER ORDERED that appellee's unopposed motion to

* Pursuant to 5th Cir. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

extend time to file appellee's brief 14 days from the Court's denial of appellee's motion to vacate and remand is denied as moot.