

FILED

April 27, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-51394

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

JESUS RODOLFO LOPEZ-TORRES

Defendant - Appellant

Appeal from the United States District Court for the
Western District of Texas, El Paso
3:04-CR-1445-ALL-FM

Before WIENER, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

IT IS ORDERED that appellant's unopposed motion to remand to the United States District Court for the Western District of Texas for resentencing is GRANTED.

IT IS FURTHER ORDERED that appellant's alternative unopposed motion to extend the time to file the appellant's brief 10 days from the court's denial of appellant's motion to remand is DENIED as 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.