

FILED

February 27, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-10712

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

CARLOS GUTIERREZ RAMIREZ also known as, Carlos Ramirez
Gutierrez

Defendant - Appellant

Appeal from the United States District Court for the
Northern District of Texas, Abilene
1:04-CR-44

Before JOLLY, DAVIS, and OWEN, Circuit Judges.

PER CURIAM:*

IT IS ORDERED that Appellee's unopposed motion to vacate conviction and sentence is GRANTED.

IT IS FURTHER ORDERED that Appellee's unopposed motion to remand case to district court for entry of an order dismissing Count 1 of the indictment is GRANTED.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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