

**UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT**

TO: Opinion Clerk  
FROM: Judge King  
DATE: July 29, 2004  
SUBJECT: Cause No. 03-40741: USA v Sarmiento-Funes

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Attached is a \_\_\_\_\_ **NEW OPINION** or a  X  **REVISED OPINION** in the above cause. Judges Reavley and Emilio M. Garza concur. The record \_\_\_\_\_ **will be** or  X  **has been** returned to the clerk's office via UPS.

**INSTRUCTIONS FOR NEW OPINION:**

**PUBLICATION:**

\_\_\_\_\_ Do not publish.  
\_\_\_\_\_ Issue in manuscript form now; then forward to West for publication.  
\_\_\_\_\_ Hold issuance of opinion until the slip opinion is available; then issue in manuscript form.

**IF THERE IS A REMAND:**

\_\_\_\_\_ Remand is limited; we retain jurisdiction.  
\_\_\_\_\_ Remand is full; we do not retain jurisdiction.

**SPECIAL INSTRUCTIONS:**

\_\_\_\_\_ SIGNIFICANT CASE; notify district judge before releasing opinion to press.  
\_\_\_\_\_ Other (Specify).

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**COSTS TO BE TAXED AS FOLLOWS (See Rule 39):**

\_\_\_\_\_ Against appellant(s).  
\_\_\_\_\_ Against appellee(s).  
\_\_\_\_\_ Each party to bear own costs.  
\_\_\_\_\_ Other (Specify; see Rule 38).

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**INSTRUCTIONS FOR REVISED OPINION:**

**UNPUBLISHED OPINION:**

\_\_\_\_\_ Attached is a revised manuscript opinion.

**OPINION DESIGNATED FOR PUBLICATION:**

**IF THE SLIP OPINION IS NOT YET AVAILABLE:**

\_\_\_\_\_ Attached is a revised manuscript opinion with only minor changes. I have faxed a copy of the original manuscript opinion to you (for transmittal to West) with all changes marked in pen and ink.

\_\_\_\_\_ Attached is a revised manuscript opinion with a material substantive change. If the original manuscript opinion has been issued, the opening paragraph of the revised manuscript opinion withdraws the prior opinion and substitutes the revised opinion. I have faxed a copy of the original manuscript opinion to you (for transmittal to West) with all changes marked in pen and ink.

**IF THE SLIP OPINION IS AVAILABLE:**

\_\_\_\_\_ Changes result only from errors by West and need be made only in the slip opinion. I have faxed a copy of the slip opinion to you with all changes marked in pen and ink.

  X   Attached is a revised manuscript opinion with only minor changes. I have faxed a copy of the slip opinion to you (for transmittal to West) with all changes Marked in pen and ink.

\_\_\_\_\_ Attached is a revised manuscript opinion with a material substantive change. If the original manuscript opinion has been issued, the opening paragraph of the revised manuscript opinion withdraws the prior opinion and substitutes the revised opinion. I have faxed a copy of the slip opinion to you (for transmittal to West) with all changes marked in pen and ink.

**DISTRIBUTION OF REVISED OPINION:**

\_\_\_\_\_ Send revised manuscript opinion to parties and lower court judge.  
\_\_\_\_\_ Yes.  
\_\_\_\_\_ No.

**ALLOW ADDITIONAL REHEARING TIME FOR REVISED OPINION:**

\_\_\_\_\_ Yes.  
\_\_\_\_\_ No.

Attachment