

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 16-40232
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED
September 28, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

EDGAR RAYON-GONZALEZ,

Defendant - Appellant

Appeal from the United States District Court
for the Southern District of Texas

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before REAVLEY, ELROD, and GRAVES, Circuit Judges.

PER CURIAM:

This case was remanded by the United States Supreme Court for further consideration in light of *Esquivel-Quintana v. Sessions*, 137 S. Ct. 1562 (2017). Edgar Rayon-Gonzalez filed opposed motions to summarily vacate the district court judgment, remand for resentencing, and issue the mandate forthwith. We subsequently allowed the Government to file a response out of time. Thereafter, we denied Rayon-Gonzalez's motions and called for supplemental briefing.

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After due consideration, we VACATE Rayon-Gonzalez's sentence and REMAND to the district court for resentencing. The district court may consider all relevant factors on resentencing.