

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-40940

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

KENNEDY PETER GAMBOA,

Defendant-Appellant.

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

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July 10, 2001

Before HIGGINBOTHAM and EMILIO M. GARZA, Circuit Judges, and DOWD\*,  
District Judge.

PER CURIAM:\*\*

Concluding that we have jurisdiction in this case, we accept the government's confession of error and remand to the able district judge for resentencing, without the 17 months added on the first remand.

REMANDED.

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\* District Judge of the Northern District of Ohio, sitting by designation.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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