

FILED

April 17, 2003

Charles R. Fulbruge III
Clerk

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 02-30852

UNITED STATES OF AMERICA

Plaintiff - Appellee,

VERSUS

NORBEY E. RABORN,

Defendant - Appellant.

Appeal from the United States District Court
For the Western District of Louisiana, Shreveport
01-CR-50050-ALL

Before DAVIS, HALL*, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:**

The district court erred by sentencing Raborn in his absence. See Fed.R.Crim.P.43; United States v. Moree, 928 F.2d 654, 656(5th Cir. 1991). It is therefore ordered that Raborn's sentence be vacated and the matter remanded.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

VACATED AND REMANDED.