

**FILED**

October 17, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

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No. 03-41526  
Summary Calendar  
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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

Paulino Bautista-Sanchez,

Defendant-Appellant,

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 6:02-CR-28-ALL

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**ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES**

Before JONES, BARKSDALE, and PRADO, Circuit Judges.

PER CURIAM:\*

Paulino Bautista-Sanchez pleaded guilty and was convicted of illegal reentry following deportation in violation of 8 U.S.C. § 1326. Pursuant to his guilty-plea conviction, the district court sentenced Bautista-Sanchez to sixty-eight months of imprisonment and three years of supervised release. This Court affirmed Bautista-Sanchez's judgment of conviction. United States v. Bautista-

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Sanchez, 116 F. App'x. 512 (5th Cir. 2004). Bautista-Sanchez filed a petition for a writ of certiorari. The Supreme Court granted Bautista-Sanchez's petition, vacated this Court's judgment, and remanded the case for consideration in light of United States v. Booker, 125 S. Ct. 738 (2005). Bautista-Sanchez v. United States, 125 S. Ct. 1715 (2005). Bautista-Sanchez does not now press a Booker claim, conceding that Booker has no impact on this appeal.

We reinstate our prior judgment affirming Bautista-Sanchez's sentence.

AFFIRMED.