

November 21, 2005

Charles R. Fulbruge III
Clerk

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-41578
Summary Calendar

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

versus

SERGIO CHAVEZ,

Defendant-Appellant.

On Appeal from the United States District Court for the
Southern District of Texas
(C-03-CR-196-1)

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before JONES and SMITH, Circuit Judges.*

PER CURIAM:**

This court affirmed the judgment of conviction and sentence of Sergio Chavez. United States v. Chavez, No. 03-41578 (Aug. 19, 2004) (unpublished). The Supreme Court vacated and remanded for further consideration in light of United States v. Booker, 125 S. Ct. 738 (2005). See Chavez v. United States, 125 S. Ct. 1075 (2005). We requested and received supplemental letter

*Due to his death on Sept. 14, 2004, Judge Reynaldo G. Garza did not participate in this decision. The case is being decided by a quorum. 28 U.S.C. § 46(d).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

briefs addressing the impact of Booker. Chavez admits that Booker has no impact on our decision in his case. Accordingly, we adhere to our prior determination and reinstate our judgment AFFIRMING Chavez's conviction and sentence.

AFFIRMED.