

June 24, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

Nos. 04-50527 & 04-50591

UNITED STATES OF AMERICA

Plaintiff-Appellee

versus

SAMUEL SALDANA, JR

Defendant-Appellant

Appeals from the United States District Court
for the Western District of Texas
(7:03-CR-147-ALL)

Before JONES, WIENER, and CLEMENT, Circuit Judges.

PER CURIAM:*

IT IS ORDERED that the district court supplement its final order of judgment and commitment for Samuel Saldana, specifically setting forth the reasons for which the court upwardly departed in sentencing the defendant. Although the district court expressed reasons orally, its original order stated only that it upwardly departed under U.S.S.G. § 5K2.0, the policy statement that sets forth the general rules for departure under the United States Sentencing Guidelines. This general reference does not specify any particular grounds or reasons for departing or for the extent of

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the departure, and thus fails to fulfill the mandatory requirements of 18 U.S.C. § 3553(c)(2) for the sentencing court to commit its reasons for a departure to writing. Neither is the district court's order sufficiently specific to permit us to determine the reasonableness of the court's departure from the guidelines range. Retaining jurisdiction for further proceedings following remand, this panel remands this case to the district court for the limited purpose of having it render a supplemental order expressing its reasons for upwardly departing. We request that the court do so as expeditiously as practicable.

REMANDED.