

FILED

April 5, 2005

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 04-50863

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

JUAN VALLES-SIMENTAL

Defendant - Appellant

Appeal from the United States District Court for the
Western District of Texas, Del Rio
2:04-CR-218-1-AML

Before GARZA, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:*

IT IS ORDERED that appellee's unopposed motion to vacate sentencing is GRANTED.

IT IS FURTHER ORDERED that appellee's unopposed motion to remand to district court for resentencing in light of the Supreme Court's recent opinion in US v. Booker and this Court's opinion in US v. Mares is GRANTED.

IT IS FURTHER ORDERED that appellee's unopposed motion to extend time to file appellee's brief until 14 days from the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Court's denial of appellee's motion to vacate and remand is MOOT.