

April 27, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 04-51100

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

GUSTAVO CONTRERAS-GONZALEZ also known as, Gustavo Guadalupe
Contreras

Defendant - Appellant

Appeal from the United States District Court for the
Western District of Texas, El Paso
3:04-CR-691-ALL

Before WIENER, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:¹

IT IS ORDERED that Appellee's unopposed motion to vacate the
sentence is GRANTED.

IT IS FURTHER ORDERED that Appellee's unopposed motion to
remand the case to the Western District of Texas, El Paso
Division for resentencing is GRANTED.

¹Pursuant 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 R. 47.5, the court has determined that this opinion should not be
published and is not precedent except under the limited circumstances set for in 5TH CIR. R.
47.5.4.

IT IS FURTHER ORDERED that Appellee's alternative request for an extension of time to file the Appellee's brief 14 days from the denial of Appellee's motion to vacate and remand is DISMISSED AS MOOT.