

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 04-51251

United States Court of Appeals
Fifth Circuit

FILED

April 29, 2005

UNITED STATES OF AMERICA

Charles R. Fulbruge III
Clerk

Plaintiff - Appellee

v.

OSCAR CARDENAS-TORRES also known as, Jesus Angel Yanez

Defendant - Appellant

Appeals from the United States District Court
for the Western District of Texas
(04-CR-766)

Before JONES, BARKSDALE, and PRADO, Circuit Judges.

PER CURIAM:

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 district court for resentencing in light of the Supreme Court's opinion in Booker and this Court's opinion in Mares is granted.

* Pursuant to 5th Cir. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

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 denied as moot.