

**FILED**

April 13, 2005

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III  
Clerk

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No. 05-10032

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

DAVID CANO-HERNANDEZ

Defendant - Appellant

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Appeal from the United States District Court for the  
Northern District of Texas, Amarillo  
2:04-CR-57-ALL  
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Before JONES, BARKSDALE, and PRADO, Circuit Judges.

PER CURIAM:\*

IT IS ORDERED that the joint motion of the parties to vacate the sentence is GRANTED.

IT IS FURTHER ORDERED that the joint motion of the parties to remand the case to the United States District Court for the Northern District of Texas, for the Amarillo Division for resentencing is GRANTED.

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\* Pursuant to 5<sup>TH</sup> 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5<sup>TH</sup> CIR. R. 47.5.4.