

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-50522

United States Court of Appeals
Fifth Circuit

FILED
May 30, 2006

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

ADAN HERNANDEZ-AVILA, also known as Adam Hernandez-Avila,
also known as Adam Hernandez, also known as Cesar Hernandez,
also known as Jose Hernandez, also known as Jose Avila
Hernandez, also known as Adam Fernandez, also known as Adam
Avila, also known as Adam Avila Hernandez

Defendant - Appellant

Appeal from the United States District Court
for the Western District of Texas
(04-CR-271)

Before BARKSDALE, STEWART, and CLEMENT, Circuit Judges.

PER CURIAM:

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

IT IS FURTHER ORDERED that Appellee's unopposed motion to
remand case to the district court for resentencing is granted.

IT IS FURTHER ORDERED that Appellee's unopposed alternative
motion to extend time to file Appellee's brief until fourteen

* 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opinion should not be published and is not precedent except under the limited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.

(14) days after denial of motion to vacate and remand is denied
as moot.