

FILED

January 12, 2006

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-50646

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

DANIEL GARCIA-RODRIGUEZ also known as, Edgar H
Arreola-Vargas

Defendant - Appellant

Appeal from the United States District Court for the
Western District of Texas, El Paso
3:04-CR-2560

Before HIGGINBOTHAM, BENAVIDES, and DENNIS, Circuit Judges

PER CURIAM:*

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

IT IS FURTHER ORDERED that the Appellee's unopposed motion to remand to district court for the purposes of resentencing is GRANTED.

IT IS FURTHER ORDERED that the Appellee's alternative motion to extend the time fourteen (14) days from the disposition of the motion to vacate is DENIED as moot.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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