

June 30, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-51305

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

ROBERTO VARGAS-CARRAZCO also known as, Roberto Vargas

Defendant - Appellant

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Appeal from the United States District Court for the  
Western District of Texas, El Paso  
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Before SMITH, GARZA, and PRADO, Circuit Judges.

PER CURIAM:<sup>1</sup>

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

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

IT IS FURTHER ORDERED that Appellee's alternative motion to extend the time to file Appellee's brief fourteen (14) days from the date of the denial of Appellee's motion to vacate and remand is DENIED.

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<sup>1</sup>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 Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5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.

