

April 4, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-40673
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GABRIEL PEREZ-BRIONES,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:05-CR-2578-ALL

Before JONES, Chief Judge, and HIGGINBOTHAM and CLEMENT, Circuit
Judges.

PER CURIAM:*

Gabriel Perez-Briones has filed an unopposed motion to
summarily affirm the conviction and summarily vacate the sentence
and remand for resentencing in light of Lopez v. Gonzales, 127
S. Ct. 625 (2005), and United States v. Estrada-Mendoza, 475 F.3d
258 (5th Cir. 2007). The motion is GRANTED, the conviction is
AFFIRMED, the sentence is VACATED, and the case is REMANDED.

* 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this opinion should not be published and is not precedent except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.