

March 7, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-41329
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JORGE LUIS GUTIERREZ-QUINTANILLA,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 1:06-CR-121-ALL

Before KING, WIENER, and OWEN, Circuit Judges.

PER CURIAM:*

The Government has filed an unopposed motion to summarily affirm Jorge Luis Gutierrez-Quintanilla's conviction and summarily vacate his 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.