

May 10, 2007

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 06-41552

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

CARLOS MANUEL GONZALEZ

Defendant - Appellant

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Appeal from the United States District Court for the  
Southern District of Texas, Laredo  
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Before KING, HIGGINBOTHAM and GARZA, Circuit Judges.

PER CURIAM:\*

IT IS ORDERED that appellant's unopposed motion to summarily affirm the judgment in part is GRANTED; Appellant's conviction is AFFIRMED;

IT IS FURTHER ORDERED that appellant's unopposed motion to vacate the judgment in part is GRANTED; Appellant's sentence is vacated.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5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

IT IS FURTHER ORDERED that appellant's unopposed motion to

remand for resentencing in light of Lopez v. Gonzales is GRANTED.