

January 9, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 06-51258

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

OSBALDO O CORTEZ

Defendant - Appellant

Appeal from the United States District Court for the
Western District of Texas, Pecos

Before JOLLY, GARZA, and DENNIS, Circuit Judges

PER CURIAM:*

IT IS ORDERED that Appellant's unopposed motion to vacate sentence of the district court is GRANTED.

IT IS FURTHER ORDERED that Appellant's unopposed motion to remand case for resentencing is GRANTED.

IT IS FURTHER ORDERED that Appellant's unopposed motion to issue the mandate forthwith upon entry of the court's opinion is GRANTED.

* Pursuant to [5th Cir. R. 47.5](#), the court has determined that this order should not be published and is not precedent except under the limited circumstances set forth in [5th Cir. R. 47.5.4](#).