

January 5, 2007

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 06-51365
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

HERMILO LEON-GARCIA

Defendant - Appellant

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

Before SMITH, WIENER, and OWEN, Circuit Judges.

PER CURIAM:*

IT IS ORDERED that appellant's unopposed motion to vacate sentence is GRANTED. IT IS FURTHER ORDERED that appellant's unopposed motion to remand the case to district court for resentencing in light of Lopez v. Gomez is GRANTED. IT IS FURTHER ORDERED that appellant's unopposed motion to issue the mandate

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

immediately upon entry of the court's opinion is GRANTED.