

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

July 9, 2013

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No. 12-40593  
Summary Calendar

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Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

RICARDO OYERVIDES,

Defendant - Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:12-CR-60

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**ON PETITION FOR REHEARING**

Before REAVLEY, JOLLY, and DAVIS, Circuit Judges.

PER CURIAM:\*

IT IS ORDERED that the petition for rehearing is granted. The sentence is vacated and the case is remanded for resentencing. *Peugh v. United States*, 133 S. Ct. 2072 (2013).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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