

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

No. 15-41254
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 29, 2016

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

CHARLES VERNON HAYNES,

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:13-CR-269

Before DAVIS, JONES, and GRAVES, Circuit Judges.

PER CURIAM:*

Charles Vernon Haynes and the Government have filed a joint motion to affirm Haynes' conviction, vacate his sentence, and remand for resentencing. The district court erred in sentencing Haynes, over his objection, to a mandatory minimum term of imprisonment based upon the quantity of methamphetamine attributable to the conspiracy rather than the amount of methamphetamine that was stipulated by him and that was attributed to him

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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in the presentence report, which the district court adopted. *See United States v. Haines*, 803 F.3d 713, 740-42 (5th Cir. 2015). Accordingly, we GRANT the motion, AFFIRM Haynes' conviction, VACATE his sentence, and REMAND for resentencing. The alternative motion for an extension of time for the Government to file a responsive brief is DENIED as moot.