

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

No. 17-40099
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

September 26, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

LUIS ALBERTO RUIZ-DOMINGUEZ,

Defendant - Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 1:16-CR-644-1

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before HIGGINBOTHAM, JONES, and SMITH, Circuit Judges.

PER CURIAM:*

This case comes to us on remand from the Supreme Court of the United States for reconsideration in light of its recent decision in *Rosales-Mireles v. United States*, 138 S. Ct. 1897 (2018). We need not repeat the facts of this case, which are laid out in our previous opinion. *See United States v. Ruiz-*

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Dominguez, 713 F. App'x 273 (5th Cir. 2017). The question before us is whether this court should exercise its discretion to correct the district court's error in computing Ruiz-Dominguez's Guidelines range. *Rosales-Mireles* dictates that we should exercise our discretion in this case to remand for resentencing. *See* 138 S. Ct. at 1908-11.

Accordingly, we **VACATE** Ruiz-Dominguez's sentence and **REMAND** for reconsideration in light of the corrected guidelines range. The mandate shall issue forthwith.