

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

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No. 18-50843  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**  
March 7, 2019

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

ARON VAZQUEZ-MADRID, also known as Aron Vasquez-Madrid,

Defendant - Appellant

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Consolidated with No. 18-50847,

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

AARON GERARDO VASQUEZ-MADRID,

Defendant - Appellant

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Appeals from the United States District Court  
for the Western District of Texas  
USDC No. 7:16-CR-273-1  
USDC No. 4:18-CR-280-1

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Before OWEN, WILLETT, and OLDHAM, Circuit Judges:

PER CURIAM:\*

IT IS ORDERED that appellees' unopposed motion to dismiss appeal as moot is DENIED. The district court lacked jurisdiction to modify its sentence during the pendency of this appeal. *See United States v. Lucero*, No. 17-50709, 2018 WL 6200326, at \*1-2 (5th Cir. Nov. 27, 2018).

IT IS ORDERED that the district court's original judgment entered on October 1, 2018 is VACATED. We treat the district court's January 23, 2019, order as an indicative ruling and REMAND to the district court.

IT IS FURTHER ORDERED that appellee's alternative motion to extend time to file brief of appellee for 30 days from the denial of the motion to dismiss is DENIED AS MOOT.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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