

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-41149  
USDC No. L-96-CR-134

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARTIN HERNANDEZ-ARIAS,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
- - - - -

June 7, 1999

Before KING, Chief Judge, and JOLLY and STEWART, Circuit Judges.

PER CURIAM:\*

IT IS ORDERED that the motion of appellant to recall  
the mandate is GRANTED.

IT IS FURTHER ORDERED that the motions of appellant to  
vacate the conviction and remand are GRANTED. See United States  
v. Cabrera-Teran, 168 F.3d 141 (5th Cir. 1999).

MANDATE RECALLED; CONVICTION VACATED; REMANDED.

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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that this opinion should not be published and is not precedent  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.