United States Court of Appeals

for the Fifth Circuit

United States Court of Appeals

Fifth Circuit

**FILED**

February 25, 2025

Lyle W. Cayce

Clerk

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No. 23-50866

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United States of America,

*Plaintiff—Appellee*,

*versus*

Elauterio Aguilar-Torres,

*Defendant—Appellant*.

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Appeal from the United States District Court

for the Western District of Texas

USDC No. 4:23-CR-272-1

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Before Elrod, *Chief Judge*, Jones, Smith, Stewart, Richman, Southwick, Haynes, Graves, Higginson, Willett, Ho, Duncan, Engelhardt, Oldham, Wilson, Douglas and Ramirez, *Circuit Judges*.

Per Curiam:

The en banc court has considered all briefs filed, the oral arguments of counsel, and the record. Pretermitting consideration of the jurisdictional issues presented by amicus, the court GRANTS defendant-appellant’s alternative request to withdraw his Motion for Summary Affirmance. This case is returned to the panel for further proceedings.