

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

August 15, 2008

No. 05-11240
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

SERGIO BALDERAS,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:04-CR-205-2

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before JOLLY, STEWART, and CLEMENT, Circuit Judges.

PER CURIAM:*

This case returns to us on remand from the Supreme Court of the United States. The Supreme Court vacated our judgment and remanded the case for further consideration in light of *Cuellar v. United States*, 128 S. Ct. 1994 (2008). *Balderas v. United States*, 128 S. Ct. 2901 (2008). Accordingly, we remand the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 06-11240

case to the District Court for the Northern District of Texas for further proceedings not inconsistent with the opinion of the Supreme Court.

VACATED and REMANDED.