

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

No. 16-41119
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 31, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

FRANCISCO JAVIER SANCHEZ-VILLARREAL,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:15-CR-223-1

Before DAVIS, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:*

Francisco Javier Sanchez-Villarreal appeals the district court's denial of his 18 U.S.C. § 3582(c)(2) motion to reduce his sentence of 155 months of imprisonment, imposed following his conviction of possession with intent to distribute five kilograms or more of cocaine. He sought a sentence reduction based on *Johnson v. United States*, 135 S. Ct. 2551 (2015), and *Welch v. United States*, 136 S. Ct. 1257 (2016). On May 23, 2017, this court issued its opinion

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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in Sanchez-Villarreal's direct appeal of the district court's judgment of conviction and sentence. *United States v. Sanchez-Villarreal*, 857 F.3d 714 (5th Cir. 2017). This court vacated Sanchez-Villarreal's 155-month sentence and remanded the matter for resentencing. *Id.* at 722-23.

Because the § 3582(c)(2) motion related solely to the 155-month sentence imposed pursuant to the district court's judgment of October 19, 2015 (which has now been vacated), Sanchez-Villarreal's appeal must be DISMISSED as moot. Sanchez-Villarreal's motion for leave to proceed in forma pauperis on appeal and his motion for the appointment of counsel are DENIED as unnecessary.