

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

No. 17-10690

United States Court of Appeals
Fifth Circuit

FILED

December 7, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

GILBERTO GOMEZ,

Defendant - Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:16-CR-119-2

Before DAVIS, JONES, and ENGELHARDT, Circuit Judges.

W. EUGENE DAVIS:*

Pursuant to this court's opinion of September 26, 2018, the district court conducted a re-sentencing hearing of Defendant Gilberto Gomez on November 26, 2018. The district court reduced the original sentence from 652 to 480 months. Because the district court amended its sentence, we need not address whether the original sentence is substantively reasonable, which is the only remaining issue. Accordingly, we hereby dismiss this appeal as moot. This

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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dismissal has no bearing on Defendant's right to file a new appeal as to the district court's amended judgment.

DISMISSED AS MOOT.