

United States Court of Appeals  
Fifth Circuit**FILED**

April 4, 2007

Charles R. Fulbruge III  
ClerkIN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 06-40760  
Conference Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

EVANGELINA MURRILLO-PENA,

Defendant-Appellant.

-----  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 1:05-CR-820-ALL  
-----Before JONES, Chief Judge, and HIGGINBOTHAM and CLEMENT, Circuit  
Judges.

PER CURIAM:\*

Evangeline Murrillo-Pena has filed an unopposed motion to summarily affirm the conviction and summarily vacate the sentence and remand for resentencing in light of Lopez v. Gonzales, 127 S. Ct. 625 (2005), and United States v. Estrada-Mendoza, 475 F.3d 258 (5th Cir. 2007). The motion is GRANTED, the conviction is AFFIRMED, the sentence is VACATED, and the case is REMANDED.

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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