

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

United States Court of Appeals
Fifth Circuit

FILED

July 1, 2009

No. 08-31209
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CALVIN EFFRON,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
No. 2:08-CR-71-1

Before SMITH, STEWART, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

The parties agree that the sentence should be vacated and remanded for resentencing, because some necessary documents were not provided to the dis-

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

trict court for consideration with regard to prior convictions. They have filed a joint motion for remand and resentencing.

The sentence is VACATED, and this matter is REMANDED for resentencing. As agreed, the defendant preserves, for any appeal after remand, his second issue on appeal, regarding the admission of trial testimony.

The government's alternative motion to extend the time to file its brief is DENIED as unnecessary.