

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 05-10150

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JULY 21, 2005 THOMAS K. KAHN CLERK
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D. C. Docket No. 04-00007-CR-HL-7

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROBERT B. ELLIS, JR.,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Georgia

(July 21, 2005)

Before TJOFLAT, PRYOR and ALARCON*, Circuit Judges.

PER CURIAM:

* Honorable Arthur L. Alarcon, United States Circuit Judge for the Ninth Circuit, sitting by designation.

Appellant's sentence is **vacated** and the case is **remanded** for resentencing pursuant to the sentencing model set out in United States v. Booker, 543 U.S. ___, 125 S. Ct. 738, 160 L. Ed. 2d 621 (2005). The mandate shall issue instanter.
Opinion to follow. Appellant is admitted to bail on the same conditions on which he was admitted to bail pretrial.