

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*  
v.  
FRANK FERNANDEZ,  
*Defendant-Appellant.*

No. 01-50082  
D.C. No.  
CR-99-00083-  
DOC-01  
Central District  
of California,  
Los Angeles

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*  
v.  
ROY GAVALDON, aka Spider,  
*Defendant-Appellant.*

No. 01-50088  
D.C. No.  
CR-99-00083-  
DOC-09  
Central District  
of California,  
Los Angeles

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*  
v.  
DAVID GONZALES-CONTRERAS, aka  
David Contreras-Gonzalez,  
*Defendant-Appellant.*

No. 01-50126  
D.C. No.  
CR-99-00083-DOC  
Central District  
of California,  
Los Angeles

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

v.

DOMINICK SHEWMAKER GONZALES,  
aka Solo, aka Dominick Gonzales,  
*Defendant-Appellant.*

No. 01-50162  
D.C. No.  
CR-99-00083-  
DOC-20  
Central District  
of California,  
Los Angeles

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

v.

JIMMY SANCHEZ, aka Seal D, aka  
Smokey,  
*Defendant-Appellant.*

No. 01-50373  
D.C. No.  
CR-99-00083-  
DOC-4  
Central District  
of California,  
Los Angeles

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

v.

SUZANNE SCHOENBERG SANCHEZ,  
*Defendant-Appellant.*

No. 01-50513  
D.C. No.  
CR-99-00083-  
DOC-25  
Central District  
of California,  
Los Angeles  
ORDER

Filed October 19, 2005

Before: Betty B. Fletcher, William C. Canby, Jr., and  
Johnnie B. Rawlinson, Circuit Judges.

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**ORDER**

The following defendant-appellees have requested remands to the district court for it to consider modification of their sentences: Roy Gavaldon, David Gonzales-Contreras, and Dominick Shewmaker Gonzales.

Defendant-appellant Fernandez has responded that he does not want a remand for resentencing. His sentence stands affirmed.

The affirmance of Defendant-appellant Schoenberg Sanchez's sentence stands.

The reversal of Defendant-appellant Sanchez's sentence stands; the mandate has issued in his case.

In our opinion we vacated the sentences of David Gonzales-Contreras and Dominick Shewmaker Gonzales. We amend our opinion to this extent: We remand to the district court to consider whether to resentence, but do not vacate their sentences.

We remand Roy Gavaldon's sentence to the district court to consider whether to resentence.

The mandate shall issue forthwith on the opinion 388 F.3d 1199 (9th Cir. 2004) as modified by this order.

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