

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

United States Court of Appeals
Fifth Circuit

FILED

April 17, 2012

Lyle W. Cayce
Clerk

No. 11-40820
Conference Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

JUAN JOSE HERRERA-MONTES, also known as Hilario Arce,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 1:06-CR-257-1

Before JONES, Chief Judge, and JOLLY and SMITH, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Juan Jose Herrera-Montes raises an issue that he concedes is foreclosed by *United States v. Molina-Gazca*, 571 F.3d 470, 474 (5th Cir. 2009), in which this court determined that pretrial detention tolls a term of supervised release in accordance with 18 U.S.C. § 3624(e), “provided a conviction ultimately occurs.” The appellant’s motion for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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