

December 8, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-40236
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GLORIA ELVA SANCHEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
(5:05-CR-1847)

Before SMITH, WIENER, and OWEN, Circuit Judges.

PER CURIAM:*

Defendant-Appellant Gloria Elva Sanchez appeals the 24-month sentence imposed following her guilty plea to one count of transporting an alien for private financial gain, in violation of 8 U.S.C. § 1324. Sanchez contends that the district court erred when it increased her base offense level under U.S.S.G. § 2L1.1(b)(5) for recklessly creating a substantial risk of death or serious bodily injury. "We review a district court's interpretation of the guidelines de novo and its factual

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

determinations for clear error." United States v. Solis-Garcia, 420 F.3d 511, 514 (5th Cir. 2005).

The conduct for which Sanchez pleaded guilty involved transporting aliens in a camper-covered pickup truck. According to the presentence report, the relevant portions of which the district court adopted, the aliens were concealed by blankets and pinatas. One of the aliens, a 12-year-old child, was breathing "profoundly" when removed from the truck. The district court did not err in imposing the enhancement for recklessly creating a substantial risk of death or serious bodily injury. See United States v. Zuniga-Amezquita, No. 06-40081, 2006 WL 3072551, at * 3 (5th Cir. Oct. 31, 2006). The judgment of the district court is AFFIRMED.