

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

December 10, 2008

Charles R. Fulbruge III  
Clerk

\_\_\_\_\_  
No. 08-40214

Conference Calendar  
\_\_\_\_\_

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

LUIS RAMON GONZALEZ-BAUTISTA

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:07-CR-540-ALL  
\_\_\_\_\_

Before DAVIS, WIENER, and PRADO, Circuit Judges.

PER CURIAM:\*

Luis Ramon Gonzalez-Bautista appeals the sentence imposed following his conviction on his guilty plea to a charge of being an alien unlawfully present in the United States after deportation. He argues that the district court reversibly erred by imposing a 16-level increase to his base offense level based upon its determination that his prior Texas convictions for burglary of a habitation constituted crimes of violence. The Government has moved for summary affirmance.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Gonzalez-Bautista concedes that his arguments are foreclosed and raises them to preserve them for further review. See *United States v. Cardenas-Cardenas*, 543 F.3d 731, 731-32 (5th Cir. 2008); *United States v. Garcia-Mendez*, 420 F.3d 454, 456-57 (5th Cir. 2005). Accordingly, the district court's judgment is AFFIRMED, and the Government's motion for summary affirmance is GRANTED.