

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-10278  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARIO ENRIQUE GONZALES,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:99-CR-20-ALL-G  
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February 14, 2001

Before SMITH, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Mario Enrique Gonzales appeals his sentence for his bank robbery convictions. He argues that the district court erred in determining that his prior Texas conviction for unauthorized use of a motor vehicle was a "crime of violence" under U.S.S.G. § 4B1.1, thereby subjecting Gonzales to the sentencing guideline career offender provisions. Gonzales concedes that his argument

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

is foreclosed by this court's precedent and states that it is raised here solely for issue preservation purposes.

The Texas offense of unauthorized use of a motor vehicle qualifies as a crime of violence under U.S.S.G. § 4B1.2 because of the serious potential risk of physical injury inherent in the offense. United States v. Jackson, 220 F.3d 635, 639 (5th Cir. 2000). Accordingly, the district court did not err in determining that Gonzales qualified as a career offender.

AFFIRMED.