

April 24, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-10647
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE DOUGLAS MARTINEZ-CALERO,
also known as Carlos Calero Tapia,
also known as Jose Garcia-Quiroz,
also known as Serafin Juarez-Moretin,
also known as Andres Henry Mejia,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:01-CR-348-1-G

Before DAVIS, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Jose Douglas Martinez-Calero (Martinez) pleaded guilty to being present in the United States after having been previously deported. He argues that the district court erred in increasing his offense level by 16 based upon his prior alien smuggling offense. He contends that his prior conviction was for transporting and/or harboring aliens within the United States and

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

did not constitute an alien smuggling offense under U.S.S.G.

§ 2L1.2(b)(1)(A)(vii).

Martinez's argument is foreclosed by United States v. Solis-Camposano, 312 F.3d 164, 166-67 (5th Cir. 2002), pet. for cert. filed, No. 02-9474 (March 6, 2003), which was decided after he filed his brief. His sentence is AFFIRMED.