

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

United States Court of Appeals
Fifth Circuit

FILED

April 1, 2009

No. 08-10536
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

CESAR TLATENCHI-ENRIQUEZ, also known as Cesar Tlatenchi Enriquez

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:07-CR-360-ALL

Before JONES, Chief Judge, and STEWART and OWEN, Circuit Judges.

PER CURIAM:*

Cesar Tlatenchi-Enriquez appeals his 46-month sentence following his guilty plea conviction for illegal reentry into the United States after removal. Tlatenchi-Enriquez argues that the district court erred in applying a 16-level enhancement under U.S.S.G. § 2L1.2(b)(1)(A)(ii) because the district court considered uncertified Nebraska judicial documents in determining that

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Tlatenchi-Enriquez's prior sexual assault conviction constituted a crime of violence under § 2L1.2.

A district court may “use all facts admitted by the defendant in determining whether [a] prior conviction qualifies as an enumerated offense under § 2L1.2.” *United States v. Mendoza-Sanchez*, 456 F.3d 479, 483 (5th Cir. 2006); *see also United States v. Jenkins*, 487 F.3d 279, 281 (5th Cir. 2007). Tlatenchi-Enriquez admitted at sentencing that his sexual assault conviction was based on his sexual relations with a 14-year-old girlfriend while he was 19 years old. He conceded at sentencing and concedes on appeal that such a conviction would constitute a crime of violence under § 2L1.2. Tlatenchi-Enriquez's admission at sentencing of the facts underlying his sexual assault conviction provided a sufficient basis for the district court to conclude that the conviction constituted a crime of violence. *See Mendoza-Sanchez*, 456 F.3d at 483.

AFFIRMED.