

December 17, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-50621
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JORGE SANCHEZ-CARRASCO,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. P-02-CR-00250-ALL

Before KING, Chief Judge, and DeMOSS and CLEMENT, Circuit Judges.

PER CURIAM:*

Relying on Blakely v. Washington, 124 S. Ct. 2531 (2004), Jorge Sanchez-Carrasco argues that the district court erred by imposing a sentence based on facts that were neither admitted nor found by a jury beyond reasonable doubt. The Government has moved for summary affirmance in lieu of filing an appellee's brief because the issue is foreclosed in this circuit under United States v. Pineiro, 377 F.3d 464 (5th Cir. 2004), petition for cert. filed (U.S. July 14, 2004) (No. 04-5263). The issue is

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

indeed foreclosed. See Pineiro, 377 F.3d at 473. Accordingly, the Government's motion is GRANTED, and the judgment of the district court is AFFIRMED.