

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

United States Court of Appeals  
Fifth Circuit

**FILED**

October 26, 2010

Lyle W. Cayce  
Clerk

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No. 09-41118  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

LEONICIO CASTANEDA-ALFARO,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 5:09-CR-1517-1

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Before SMITH, DENNIS, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Leonicio Castaneda-Alfaro appeals the sentence imposed following his conviction for unlawful reentry pursuant to 8 U.S.C. § 1326. He contends that the district court erred by imposing a crime of violence enhancement based on his conviction under Texas Penal Code § 21.11 for indecency with a child under 17 years of age.

As Castaneda-Alfaro concedes, his argument is foreclosed by circuit precedent. *See United States v. Ayala*, 542 F.3d 494, 495 (5th Cir. 2008); *United*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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*States v. Zavala-Sustaita*, 214 F.3d 601, 607-08 (5th Cir. 2000). Accordingly, the judgment of the district court is AFFIRMED.