

June 13, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-41598
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LUIS ALFONSO MATOS,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. L-02-CR-288-1

Before DAVIS, JONES, and STEWART, Circuit Judges.

PER CURIAM:*

Luis Alfonso Matos pleaded guilty to transporting an undocumented alien for private financial gain. He appeals the application of a sentencing enhancement under U.S.S.G. § 2L1.1(b)(5) for intentionally and recklessly creating a substantial risk of death or serious bodily injury to the alien. Though he argues that the mere transit of several unrestrained people in the locked trailer of a truck is an insufficient risk for the sentencing guideline provision to apply, the risk of an

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

accident is within the intentionally wide ambit of the rule. Cf.
United States v. Cuyler, 298 F.3d 387, 390 (5th Cir. 2002).
Matos's sentence is AFFIRMED.