

February 7, 2007

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-41803  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JACOBO ZAREMBER-CASTANON, also known as Jacob  
ZareMBER-Castanon,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 5:05-CR-1147-ALL  
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Before REAVLEY, JOLLY, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Appealing the Judgment in a Criminal Case, Jacobo ZareMBER-Castanon raises arguments that are foreclosed by United States v. Santiesteban-Hernandez, 469 F.3d 376, 381 (5th Cir. 2006), which held that a Texas robbery conviction qualified as a crime of violence under U.S.S.G. § 2L1.2, and by Almendarez-Torres v. United States, 523 U.S. 224, 235 (1998), which held that 8 U.S.C. § 1326(b)(2) is a penalty provision and not a separate criminal

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

offense. The Government's motion for summary affirmance is GRANTED, and the judgment of the district court is AFFIRMED.