

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT **United States Court of Appeals**

**Fifth Circuit**

**FILED**

**September 24, 2007**

Charles R. Fulbruge III  
Clerk

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No. 06-41651  
Summary Calendar

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UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

HECTOR SOTO

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:03-CR-341-8

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Before REAVLEY, SMITH, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

Having pleaded guilty, Hector Soto contests his 120-month sentence for harboring more than 100 illegal aliens for private financial gain, in violation of 8 U.S.C. § 1324. Soto contends for the first time on appeal that the district court erred by increasing his sentence based on hearsay and unsworn statements in violation of his Sixth Amendment right to confront witnesses, as set forth in *Crawford v. Washington*, 541 U.S. 36 (2004).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Our review is only for plain error. There was no error because the Confrontation Clause does not apply at sentencing. *United States v. Mitchell*, 484 F.3d 762, 776 (5th Cir. 2007); *United States v. Beydoun*, 469 F.3d 102, 108 (5th Cir. 2006). Restated, Soto's Crawford claim is foreclosed.

AFFIRMED.