

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

August 12, 2008

No. 07-51043

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

SOCORRO TELLEZ

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:07-CR-451

Before HIGGINBOTHAM, DAVIS, and BARKSDALE, Circuit Judges.

PER CURIAM:*

After reviewing the briefs and the record, and listening to the able oral arguments, we are not persuaded that the district court erred in its application of U.S.S.G. § 2B1.1(c)(3)'s cross-reference to U.S.S.G. § 2L1.1. The charged conduct falls within the ambit of both 8 U.S.C. § 1324(a)(2) and 8 U.S.C. § 1185(a)(2). However, the district court should have stated under which statutory provision the conduct fell, and we urge the district courts to do so in the future.

AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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