

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

August 18, 2009

Charles R. Fulbruge III  
Clerk

\_\_\_\_\_  
No. 08-11055

Conference Calendar  
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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

EMILIO ARNOLDO ORTIZ-COCA,

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:07-CR-385-ALL  
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Before HIGGINBOTHAM, DAVIS, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Appealing the judgment in a criminal case, Emilio Arnaldo Ortiz-Coca presents arguments that he concedes are foreclosed by *United States v. Brown*, 920 F.2d 1212, 1216-17 (5th Cir. 1991), *abrogated on other grounds by United States v. Candia*, 454 F.3d 468, 472-73 (5th Cir. 2006), which held that a district court may order a term of imprisonment to run consecutively with an unimposed

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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