

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

September 22, 2011

No. 11-30066
Summary Calendar

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JUAN CHAVEZ-VARGAS, also known as Angel Chavez,

Defendant-Appellant

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:10-CR-24-1

Before WIENER, GARZA, and CLEMENT, Circuit Judges.

PER CURIAM:*

Defendant-Appellant Juan Chavez-Vargas appeals the sentence imposed following his guilty plea convictions for illegal reentry by a removed alien, false use of a social security number, and possession of a false document. He contends that the district court committed reversible plain error by assessing a 12-level enhancement of his offense level, pursuant to United States Sentencing Guideline § 2L1.2(b)(1)(B), based on a determination that his prior conviction

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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under California Health and Safety Code § 11352(a) constituted a drug trafficking offense.

Because the transcript of the guilty plea hearing from the California conviction manifests a narrowing of the charging document and shows that the portion of the statute prohibiting the selling of heroin applies to Chavez-Vargas's conviction, the district court did not err by imposing the 12-level enhancement. *See United States v. Rodriguez*, 523 F.3d 519, 524 (5th Cir. 2008); *United States v. Gutierrez-Ramirez*, 405 F.3d at 352, 358-359 (5th Cir. 2005).

AFFIRMED.