

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

United States Court of Appeals
Fifth Circuit

FILED

May 9, 2013

Lyle W. Cayce
Clerk

No. 12-40738

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

SALVADOR GONZALEZ-SILVA,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:12-CR-142-1

Before REAVLEY, JOLLY, and DAVIS, Circuit Judges.

PER CURIAM:*

Salvador Gonzalez-Silva appeals the 57-month sentence imposed following his conviction of being present unlawfully in the United States following deportation. Gonzalez-Silva contends that the district court erred by imposing a 16-level enhancement pursuant to U.S.S.G. § 2L1.2(b)(1)(A)(ii) based on his prior conviction for indecency with a child under § 21.11(a)(1) of the Texas Penal Code.

Gonzalez-Silva's arguments are foreclosed by our decisions in *United States v. Rodriguez*, __ F.3d __, No. 11-20881, 2013 WL 1092568, at *1, *12 (5th

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Cir. Mar. 15, 2013) (en banc), and *United States v. Quiroga-Hernandez*, 698 F.3d 227, 229 (5th Cir. 2012).

Accordingly, the judgment of the district court is **AFFIRMED**.