

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

United States Court of Appeals
Fifth Circuit

FILED

May 20, 2013

Lyle W. Cayce
Clerk

No. 12-40803

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MARTIN GARCIA-CORDERO,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:12-CR-104-1

Before HIGGINBOTHAM, OWEN, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Martin Garcia-Cordero appeals the 41-month sentence imposed following his conviction of being found in the United States after previous deportation. Garcia-Cordero 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 attempted indecency with a child under Section 21.11(a)(1) of the Texas Penal Code.

Garcia-Cordero's arguments are foreclosed by our decisions in *United States v. Rodriguez*, 711 F.3d 541, 562-63 (5th Cir. 2013) (en banc), and *United*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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