

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

United States Court of Appeals
Fifth Circuit

FILED

October 7, 2014

Lyle W. Cayce
Clerk

No. 13-11321
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

HERIBERTO LOPEZ-MATA,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 6:13-CR-36-1

Before PRADO, OWEN, and GRAVES, Circuit Judges.

PER CURIAM:*

Heriberto Lopez-Mata appeals the 37-month sentence imposed following his conviction for illegal reentry. He contends that the district court erred in enhancing his sentence for a crime of violence under United States Sentencing Guidelines § 2L1.2(b)(1)(A)(ii) based on his Texas conviction for burglary under Texas Penal Code § 30.02(a). His challenge is foreclosed by our decision in *United States v. Conde-Castaneda*, 753 F.3d 172, 176-79 (5th Cir. 2014).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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