

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

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No. 13-41151  
Conference Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

June 17, 2014

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RIGOBERTO FIGUEROA-BENITEZ,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:13-CR-904-1

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Before KING, HAYNES, and HIGGINSON, Circuit Judges.

PER CURIAM:\*

Appealing the judgment in a criminal case, Rigoberto Figueroa-Benitez raises an argument that he concedes is foreclosed by *United States v. Rodriguez-Escareno*, 700 F.3d 751, 753-54 (5th Cir. 2012), *cert. denied*, 133 S. Ct. 2044 (2013), which held that the sentence enhancement provided for in U.S.S.G. § 2L1.2(b)(1)(A)(i) applies to a conviction for the federal crime of conspiracy to commit a federal drug-trafficking offense. The unopposed motion

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.