

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

No. 14-40062
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 13, 2015

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ROSALI MAURICIO RAMOS-SORTO, also known as Sorto Ramos-Mauricio,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:13-CR-1569-1

Before BENAVIDES, SOUTHWICK, and COSTA, Circuit Judges.

PER CURIAM:*

Rosali Mauricio Ramos-Sorto appealed the 46-month sentence imposed following his guilty plea conviction for being found in the United States after previous deportation. For the first time on appeal, he contends that the district court plainly erred in imposing a 16-level enhancement under U.S.S.G. § 2L1.2(b)(1)(A)(i) based on his 2001 District of Columbia conviction for distribution of a controlled substance in a drug-free zone because the statute

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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of conviction, District of Columbia Code §§ 33-541(a)(1), 33-547.1 (1999), does not require proof of commercial activity.

This argument is foreclosed by our recent holdings in *United States v. Martinez-Lugo*, 782 F.3d 198, 204-05 (5th Cir. 2015), and *United States v. Rodriguez-Bernal*, 783 F.3d 1002, 1003, 1008 (5th Cir. 2015). Accordingly, Ramos-Sorto has shown no clear or obvious error with regard to his sentence. *See Puckett v. United States*, 556 U.S. 129, 135 (2009).

AFFIRMED.