

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

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No. 14-41055  
Conference Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

October 22, 2015

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JUAN GUAJARDO-PRIETO,

Defendant-Appellant

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Appeals from the United States District Court  
for the Southern District of Texas  
USDC No. 7:14-CR-559-1

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Before HIGGINBOTHAM, DENNIS, and HIGGINSON, Circuit Judges.

PER CURIAM:\*

Appealing the judgment in a criminal case, Juan Guajardo-Prieto raises an argument that is foreclosed by our holding in *United States v. Martinez-Lugo*, 782 F.3d 198, 204-05 (5th Cir. 2015), *petition for cert. filed* (June 19, 2015) (No. 14-10355). In *Martinez-Lugo*, we determined that an enhancement under U.S.S.G. § 2L1.2(b)(1)(A)(i) for a prior conviction of a drug trafficking offense is warranted regardless whether the conviction for the prior offense

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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required proof of remuneration or commercial activity. Guajardo-Prieto also raises another argument that he concedes is foreclosed by *United States v. Rodriguez-Escareno*, 700 F.3d 751, 753-54 (5th Cir. 2012), which held that the § 2L1.2(b)(1)(A)(i) sentencing enhancement applies to a conviction for the federal crime of conspiracy to commit a drug trafficking offense.

Accordingly, the Government's unopposed motion for summary affirmance is GRANTED, its alternative motion for an extension of time to file a brief is DENIED, and the judgment of the district court is AFFIRMED.