IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 14-51188 c/w No. 14-51191 Conference Calendar United States Court of Appeals Fifth Circuit

August 18, 2015

Lyle W. Cayce Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MARCO ANTONIO ORTIZ-VARELA,

Defendant-Appellant

Appeals from the United States District Court for the Western District of Texas USDC No. 4:14-CR-535-1 USDC No. 4:14-CR-376-1

Before JOLLY, GRAVES, and COSTA, Circuit Judges. PER CURIAM:*

Appealing the judgments in criminal cases, Marco Antonio Ortiz-Varela raises an argument that is foreclosed by *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*, 792 F.3d at 204-05, we held that an enhancement under U.S.S.G. § 2L1.2(b)(1)(A)(i) for a prior conviction of a drug trafficking

 $^{^*}$ 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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offense is warranted regardless whether the conviction for the prior offense required proof of remuneration or commercial activity.

The motion for summary affirmance is GRANTED, the alternative motion for an extension of time to file a brief is DENIED, and the judgments of the district court are AFFIRMED.