

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

---

No. 15-11094  
Conference Calendar

---

United States Court of Appeals  
Fifth Circuit

**FILED**

August 16, 2016

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RODGER JACK DEPUTE,

Defendant-Appellant

---

Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:15-CR-121-1

---

Before REAVLEY, ELROD, and GRAVES, Circuit Judges.

PER CURIAM:\*

Appealing the judgment in a criminal case, Rodger Jack DePute raises an argument that is foreclosed by *United States v. Groce*, 784 F.3d 291, 294-95 (5th Cir. 2015), in which we held that the knowing use of peer-to-peer file sharing software triggers application of the distribution enhancement under U.S.S.G. § 2G2.2(b)(3)(B). Accordingly, the motion for summary affirmance is

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 15-11094

GRANTED, the alternative motion for an extension of time to file a brief is DENIED, and the judgment of the district court is AFFIRMED.