

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

August 18, 2015

Lyle W. Cayce  
Clerk

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No. 15-40081  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JORGE EDUARDO ESPINOZA-NUNEZ, also known as Jorge Espinoza,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 5:13-CR-1352-1

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Before JOLLY, GRAVES, and COSTA, Circuit Judges.

PER CURIAM:\*

Appealing the judgment in a criminal case, Jorge Eduardo Espinoza-Nunez 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*, 782 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 offense is warranted regardless whether the conviction for the prior

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 15-40081

offense required proof of remuneration or commercial activity. The motion for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.