

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

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No. 15-40671  
Conference Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

December 15, 2015

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE FRANCISCO GARCIA-MORENO,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 1:14-CR-961-1

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Before JONES, SOUTHWICK, and COSTA, Circuit Judges.

PER CURIAM:\*

Appealing the judgment in a criminal case, Jose Francisco Garcia-Moreno raises an argument that is foreclosed by *United States v. Martinez-Lugo*, 782 F.3d 198, 204-05 (5th Cir. 2015), *cert. denied*, 2015 WL 3867557 (Nov. 30, 2015) (No. 14-10355), in which this court held that an enhancement under U.S.S.G. § 2L1.2(b)(1)(A)(i) for a prior felony conviction of a drug trafficking offense is warranted regardless whether the prior conviction

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. Accordingly, the motion for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.