

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

No. 16-10236
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

November 8, 2016

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

HECTOR RAMIREZ-QUINTANILLA,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:15-CR-162-1

Before KING, DENNIS, and COSTA, Circuit Judges.

PER CURIAM:*

Hector Ramirez-Quintanilla appeals the 46-month within-guidelines sentence imposed in connection with his conviction for illegal reentry after deportation. Ramirez-Quintanilla argues that his case should be remanded for resentencing in light of proposed amendments to the Sentencing Guidelines applicable to illegal reentry offenses. He did not request that the district court

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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consider the amendments when imposing the sentence; thus, we review for plain error. *See Puckett v. United States*, 556 U.S. 129, 134-35 (2009).

The district court correctly applied the version of the Sentencing Guidelines in effect at the time of sentencing. *See United States v. Rodarte-Vasquez*, 488 F.3d 316, 322 (5th Cir. 2007). The district court did not plainly err by failing to consider not yet proposed amendments to the Guidelines. Ramirez-Quintanilla is not entitled to a remand for resentencing in light of the amendments. *See United States v. Posada-Rios*, 158 F.3d 832, 880 (5th Cir. 1998).

The judgment of the district court is AFFIRMED.