

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

No. 17-50505
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 2, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JUAN CARLOS AGUILERA-TORRES, also known as Ramirez-Huertos, also known as German Ramirez-Huertos,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:17-CR-394-1

Before BENAVIDES, CLEMENT, and GRAVES, Circuit Judges.

PER CURIAM:*

Juan Carlos Aguilera-Torres appeals the 30-month sentence imposed following his guilty plea conviction for attempted illegal reentry. He contends that the district court erred in finding that he obstructed justice and failed to accept responsibility when he gave a false name at arraignment.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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The district court did not clearly err in finding that Aguilera-Torres obstructed justice by willfully providing materially false information to the court. *See United States v. Juarez-Duarte*, 513 F.3d 204, 208 (5th Cir. 2008); *United States v. McDonald*, 964 F.2d 390, 392-93 (5th Cir. 1992); U.S.S.G. § 3C1.1 & comment. (n.4(F) & n.6). Contrary to his argument, his identity was material. *See United States v. Montano-Silva*, 15 F.3d 52, 53 (5th Cir. 1994). The district court's implicit finding that he willfully provided false testimony was plausible in light of the record. *See Juarez-Duarte*, 513 F.3d at 208. The district court's implicit findings that Aguilera-Torres's false arraignment testimony demonstrated that he had not accepted responsibility for his offense and that his was not one of the extraordinary cases in which the reduction should apply were not without foundation. *See id.* at 211; U.S.S.G. § 3E1.1 & comment. (n.1(A), n.3, & n.4).

The judgment of the district court is **AFFIRMED**.