

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

United States Court of Appeals
Fifth Circuit

FILED

March 21, 2019

Lyle W. Cayce
Clerk

No. 18-10679

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ABISAI RAMIREZ-ANGUIANO,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:18-CR-21-1

Before DAVIS, HAYNES, and GRAVES, Circuit Judges.

PER CURIAM:*

Abisai Ramirez-Anguiano was convicted of one count of possession of methamphetamine with intent to distribute and sentenced to serve 240 months in prison and a three-year term of supervised release. On appeal, he challenges only the district court's application of the two-level enhancement pursuant to U.S.S.G. § 2D1.1(b)(5) for importation of methamphetamine, arguing that the district court erred by applying this enhancement because

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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there was no evidence to show that he knew the methamphetamine was imported. The Government has moved for summary affirmance or, alternatively, an extension of time to file a brief.

As Ramirez-Anguiano acknowledges, his argument is foreclosed by *United States v. Serfass*, 684 F.3d 548, 552 (5th Cir. 2012), which held that the § 2D1.1(b)(5) enhancement applies “regardless of whether the defendant had knowledge of that importation.” Accordingly, the Government’s motion for summary affirmance is GRANTED, the Government’s alternative motion for an extension of time to file a brief is DENIED, and the judgment of the district court is AFFIRMED.