

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 12, 2020

Lyle W. Cayce
Clerk

No. 20-50083
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ANGEL ALVAREZ ALVARADO,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:18-CR-52-1

Before WIENER, SOUTHWICK, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

Angel Alvarez Alvarado pleaded guilty, without the benefit of a plea agreement, to possession of a firearm after felony conviction and was sentenced to 51 months of imprisonment. He challenges the district court's application of a sentencing enhancement, under U.S.S.G. § 2K2.1(b)(6)(B),

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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based on his possession of a firearm in connection with another felony offense.

Here, the un rebutted presentence report stated that in addition to the firearm, Alvarado possessed 51 grams of cocaine, individually packaged for distribution, and that he admitted to selling cocaine for monetary compensation. The district court did not clearly err by applying the § 2K2.1(b)(6)(B) enhancement based on its plausible determination that Alvarado was engaged in drug trafficking. *See* § 2K2.1, comment. (n.14(B)(ii)); *United States v. Alcantar*, 733 F.3d 143, 146-48 (5th Cir. 2013). Alvarado's unsupported speculation that he might have intended to consume rather than distribute all of the cocaine he possessed is unpersuasive and insufficient to demonstrate clear error. *See Alcantar*, 733 F.3d at 146.

AFFIRMED.