

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

December 10, 2008

\_\_\_\_\_  
No. 08-40208  
Conference Calendar  
\_\_\_\_\_

Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

ARTEMIO GONZALEZ-GONZALEZ

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:07-CR-574-1  
\_\_\_\_\_

Before DAVIS, WIENER, and PRADO, Circuit Judges.

PER CURIAM:\*

Artemio Gonzalez-Gonzalez appeals the sentence imposed following his conviction on his guilty plea to a charge of being an alien unlawfully present in the United States after deportation. He argues that the district court reversibly erred by imposing a 16-level increase to his base offense level based upon its determination that his prior Texas conviction for attempted burglary of a habitation constituted a crime of violence.

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

Gonzalez-Gonzalez concedes that his arguments are foreclosed and raises them to preserve them for further review. See *United States v. Cardenas-Cardenas*, 543 F.3d 731, 731-32 (5th Cir. 2008); *United States v. Garcia-Mendez*, 420 F.3d 454, 456-57 (5th Cir. 2005). Accordingly, the district court's judgment is AFFIRMED.