

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

United States Court of Appeals
Fifth Circuit

FILED

October 26, 2010

Lyle W. Cayce
Clerk

No. 10-10165
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

DIONISIO ANIBAL SAUCEDO, JR.,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 6:09-CR-40-1

Before SMITH, DENNIS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Dionisio Anibal Saucedo, Jr., appeals the sentence imposed upon his guilty-plea conviction for aiding and abetting the possession of an unregistered firearm. *See* 26 U.S.C. § 5861(d). The unregistered firearm at issue was a sawed-off shotgun. Saucedo argues that the sawed-off shotgun should not have been deemed a “destructive device” under U.S.S.G. § 2K2.1(b)(3)(B) and that his sentence should not have been enhanced on that basis.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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As Saucedo acknowledges, his argument is foreclosed by *United States v. Henry*, 417 F.3d 493, 494 (5th Cir. 2005). Accordingly, the judgment of the district court is AFFIRMED. The Government's motion for summary affirmance is GRANTED, and its alternative motion for an extension of time is DENIED.