

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

United States Court of Appeals
Fifth Circuit

FILED

February 15, 2011

Lyle W. Cayce
Clerk

No. 10-40205
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ALLAN EDGARDO CARCAMO-RAMIREZ,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:09-CR-1420-1

Before HIGGINBOTHAM, GARZA, and ELROD, Circuit Judges.

PER CURIAM:*

Allan Edgardo Carcamo-Ramirez (Carcamo) appeals the sentence imposed following his conviction for being found in the United States after a previous deportation pursuant to 8 U.S.C. § 1326. Carcamo contends that the district court erred by imposing a 16-level crime of violence enhancement based on his prior Texas conviction for indecency by contact with a child under 17 years of age, a violation of Texas Penal Code § 21.11(a)(2). He argues that the Texas conviction is not within the enumerated offense of sexual abuse of a minor

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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because an offense under § 21.11(a) can be committed against a victim who is 16 years of age. The Government moves for summary affirmance or, in the alternative, for an extension of time to file a brief.

As Carcamo concedes, his argument is foreclosed by circuit precedent. *See United States v. Ayala*, 542 F.3d 494, 495 (5th Cir. 2008); *United States v. Zavala-Sustaita*, 214 F.3d 601, 604 (5th Cir. 2000). Accordingly, the judgment of the district court is AFFIRMED, and the Government's motion for summary affirmance is GRANTED. The alternative request for an extension of time to file a brief is DENIED.