

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

United States Court of Appeals  
Fifth Circuit

**FILED**

June 21, 2011

Lyle W. Cayce  
Clerk

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No. 10-41170  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ALBERTO ARMANDO GARCIA-ROMERO,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 6:10-CR-20-1

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Before JONES, Chief Judge, and STEWART and SOUTHWICK, Circuit Judges.

PER CURIAM:\*

Appealing the judgment in a criminal case, Alberto Armando Garcia-Romero presents an argument challenging his sentence on the grounds of double counting that he concedes is foreclosed by *United States v. Calbat*, 266 F.3d 358, 364 (5th Cir. 2001). *See United States v. Duarte*, 569 F.3d 528, 529-31 (5th Cir. 2009). 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.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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