

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

United States Court of Appeals  
Fifth Circuit

**FILED**

June 25, 2013

Lyle W. Cayce  
Clerk

\_\_\_\_\_  
No. 12-41203

Summary Calendar  
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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ALBERTO VALENCIA-MOSQUERA,

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:12-CR-902-1  
\_\_\_\_\_

Before SMITH, PRADO, and HIGGINSON, Circuit Judges.

PER CURIAM:\*

Having appealed his 46-month prison sentence for illegal reentry following deportation, Alberto Valencia-Mosquera now moves this court for summary disposition. He correctly concedes that the argument he raises is foreclosed by *United States v. Rodriguez-Escareno*, 700 F.3d 751, 753-54 (5th Cir. 2012), *cert. denied*, 133 S. Ct. 2044 (2013), which held that a federal conviction for conspiracy to commit a drug trafficking offense supports an offense level adjustment under U.S.S.G. § 2L1.2(b)(1)(A)(i). He raises the issue to preserve

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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it for further review by the Supreme Court. The motion for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.