

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

No. 18-10926

United States Court of Appeals
Fifth Circuit

FILED

July 6, 2020

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

FRANCISCO JAVIER GONZALEZ, also known as Javier Gonzalez,

Defendant - Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:16-CR-463-1

Before DENNIS, SOUTHWICK, and HO, Circuit Judges.

PER CURIAM:*

Francisco Gonzalez orchestrated a scheme to defraud financially distressed homeowners by pretending to offer foreclosure assistance. He falsified paperwork, stole mortgage payments, and extracted large payments from the rightful homeowners in a false effort to “save” their homes from foreclosure. The indictment alleged that as a result of his fraud, “these homeowners were defrauded of tens of thousands of dollars, many . . . lost their

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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homes, and the total loss to these victims, as well as HUD and the banks exceeded \$600,000.”

Gonzalez signed an agreement to plead guilty to a single count of mail fraud. In return, the Government agreed to drop the remaining twenty counts on the indictment and to refrain from bringing new charges related to the same conduct. The district court sentenced Gonzalez to a sixty-month sentence and ordered restitution. Gonzalez now appeals his sentence.

He argues on appeal that the restitution amount is too high given the losses that resulted from his fraud. The Government responds that he waived his right to challenge the restitution order on appeal, and that his arguments concerning loss amount and proximate causation are meritless in any event.

Having duly considered our precedents, the arguments in the briefs, and the opinion of the district court, we affirm.