

United States Court of Appeals for the Fifth Circuit

No. 23-50557
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 22, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

RAUL PEREZ,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:22-CR-557-1

Before SMITH, HIGGINSON, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Raul Perez was convicted of conspiring to transport illegal aliens in violation of 8 U.S.C. § 1324 and sentenced to a 30-month prison term and three years of supervised release. On appeal, Perez argues that the district court erroneously applied an enhancement under U.S.S.G. § 2L1.1(b)(6)

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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because the evidence did not establish that he created a substantial risk of death or serious bodily injury.

Given the record as a whole, including the presentence report and addendum findings of fact, not rebutted with evidence by Perez at the sentencing hearing, *see United States v. Alaniz*, 726 F.3d 586, 619 (5th Cir. 2013), the stipulation of facts offered in support of Perez's plea, and the district court's extensive inquiry and determination at sentencing concerning Perez's speech, which we will not disturb, *see United States v. Goncalves*, 613 F.3d 601, 609 (5th Cir. 2010), it was plausible for the district court to infer that Perez was driving while intoxicated, *see United States v. Ramos-Delgado*, 763 F.3d 398, 400 (5th Cir. 2014). We cannot say on the facts of this case that the court erred by imposing the enhancement. *See United States v. Ruiz-Hernandez*, 890 F.3d 202, 212 (5th Cir. 2018).

Accordingly, the judgment of the district court is AFFIRMED.