

United States Court of Appeals for the Fifth Circuit

No. 25-50273
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 13, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ERNESTO VILLARREAL, JR.,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 4:24-CR-165-1

Before KING, HAYNES, and HO, *Circuit Judges.*

PER CURIAM:*

Ernesto Villarreal, Jr., appeals his sentence of 27 months of imprisonment for wire fraud and theft concerning programs receiving federal funds. He contends that the district court erred by applying an enhancement for abusing a position of trust when calculating his advisory guidelines range.

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

No. 25-50273

Under U.S.S.G. § 3B1.3, a two-level enhancement applies “[i]f the defendant abused a position of public . . . trust . . . in a manner that significantly facilitated the commission or concealment of the offense.” Reviewing the district court’s application of the enhancement for clear error, we perceive none. *See United States v. Miller*, 906 F.3d 373, 376-77 (5th Cir. 2018). The district court plausibly found both that Villarreal occupied a position of public trust, given the evidence regarding his service—with minimal supervision—as the business manager and tax assessor and collector for a school district, and had access to the school district’s bank accounts, checks, credit cards, and payroll information, and that he used his position to facilitate his offenses. *See id.* at 377-79.

Accordingly, the district court’s judgment is AFFIRMED.