

# United States Court of Appeals for the Fifth Circuit

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No. 25-10487  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit  
**FILED**  
February 2, 2026

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

TONY BURDETTE,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:22-CR-79-1

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Before STEWART, GRAVES, and OLDHAM, *Circuit Judges.*

PER CURIAM:\*

Tony Burdette pleaded guilty to two counts of possession of a firearm after a felony conviction and one count of possession with intent to distribute a controlled substance. He was sentenced to three consecutive terms of 100 months of imprisonment.

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

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In his sole issue on appeal, Burdette argues that the district court erroneously enhanced his offense level under U.S.S.G. § 3A1.2(c)(1) based on his assault of a police officer because that assault did not occur during the course of his offenses of conviction or his immediate flight therefrom. Even if we assume without deciding that the district court erred, the Government has convincingly demonstrated that the claimed error was harmless. *See United States v. Redmond*, 965 F.3d 416, 420-22 (5th Cir. 2020); *United States v. Castro-Alfonso*, 841 F.3d 292, 298 (5th Cir. 2016).

AFFIRMED.