

United States Court of Appeals for the Fifth Circuit

No. 25-50285
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
February 16, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ANTONIO GONZALEZ VALLES,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:24-CR-2485-1

Before BARKSDALE, OLDHAM, and DOUGLAS, *Circuit Judges.*

PER CURIAM:*

Antonio Gonzalez Valles pleaded guilty, without a written plea agreement, to two counts: making a false statement in a passport application (in 2019), and false personation in immigration matters (in 2024), in violation of 18 U.S.C. §§ 1542 (false statement) and 1546(a) (false personation). Sentenced, *inter alia*, to concurrent, within-Guidelines terms of 30-months'

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

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imprisonment, he contends the district court erred by failing to group his counts of conviction for purposes of calculating his offense level under Guidelines § 3D1.2(b) and (c).

Valles failed to preserve these issues in district court (as he also concedes). That failure results in our review being only for plain error. *E.g.*, *United States v. Broussard*, 669 F.3d 537, 546 (5th Cir. 2012). Under that standard, he must show a forfeited plain error (clear-or-obvious error, rather than one subject to reasonable dispute) that affected his substantial rights. *Puckett v. United States*, 556 U.S. 129, 135 (2009). If he makes that showing, we have the discretion to correct the reversible plain error, but generally should do so only if it “seriously affect[s] the fairness, integrity or public reputation of judicial proceedings”. *Id.* (citation omitted). He fails to show the requisite clear-or-obvious error for each of his following two contentions.

Regarding Guideline § 3D1.2(b), his two counts must “involve the same victim and two or more acts or transactions [and be] connected by a common criminal objective or constitute[e] part of a common scheme or plan”. U.S.S.G. § 3D1.2(b). He fails to show clear or obvious error in the court’s declining to group his two counts because he cannot “show error in the straightforward applications of existing cases”. *See United States v. Cabello*, 33 F.4th 281, 291 (5th Cir. 2022) (citation omitted).

For his contention that the court should have grouped his two counts of conviction under Guideline § 3D1.2(c), it prescribes grouping “[w]hen one of the counts embodies conduct that is treated as a specific offense characteristic in, or other adjustment to, the [G]uideline applicable to another of the counts”. U.S.S.G. § 3D1.2(c). The presentence investigation report shows Valles’ making a false statement on his passport application was not treated as a specific offense characteristic in the Guidelines calculation of

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the other count. Moreover, his contention requires an extension of existing precedent. *See Cabello*, 33 F.4th at 291.

AFFIRMED.