United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
FILED
November 3, 2026
Thomas B. Plunkett, III
Clerk

No. 26-40115
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

SEBASTIAN CRUZ-AMAYA,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:25-CR-2953-1

Before WILLETT, DUNCAN, and ENGELHARDT, *Circuit Judges*.

PER CURIAM:[*]

Sebastian Cruz-Amaya appeals the 24-month sentence imposed following his conviction for smuggling goods from the United States. He argues that the district court erred in applying a 14-level enhancement, pursuant to U.S.S.G. § 2Q2.1(b)(3)(A)(ii) and U.S.S.G. § 2B1.1(b)(1)(H).

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

Reviewing for clear error, the relevant conduct determination used in applying the enhancement was plausible in light of the record as a whole because the evidence demonstrates a common plan or scheme or, alternatively, that the offense constituted the same course of conduct. *See United States v. Nava*, 957 F. 3d 581, 585 (5th Cir. 2020) (drug smuggling); *United States v. Rhine*, 583 F.3d 878, 884-85 (5th Cir. 2009); U.S.S.G. § 1B1.3, comment. (n.5(B)(i), (ii)).

AFFIRMED.