

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

August 20, 2008

\_\_\_\_\_  
No. 07-51130  
Conference Calendar  
\_\_\_\_\_

Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

JULIO LAREDO-MENDEZ, also known as Julio Horacio Laredo, also known as Julio Laredo, also known as Horacio Mendez-Martinez

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 3:07-CR-866-1  
\_\_\_\_\_

Before GARZA, CLEMENT, and SOUTHWICK, Circuit Judges.

PER CURIAM:\*

Julio Laredo-Mendez pleaded guilty to attempted illegal reentry after deportation and was sentenced to 48 months of imprisonment and three years of supervised release. Laredo-Mendez argues that his prior California robbery conviction under CAL. PENAL CODE § 211 is not a crime of violence within the meaning of U.S.S.G. § 2L1.2(b)(1)(A)(ii). Laredo-Mendez acknowledges that this court held that a California robbery conviction is a crime of violence in United

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

States v. Tellez-Martinez, 517 F.3d 813, 814 (5th Cir.), petition for cert. filed (June 16, 2008) (No. 07-11483). However, he argues that Tellez-Martinez was incorrectly decided. A panel of this court cannot overrule a prior panel's decision in the absence of intervening contrary or superseding authority by this court sitting en banc or by the United States Supreme Court. *United States v. Lipscomb*, 299 F.3d 303, 313 n.34 (5th Cir. 2002). This issue is foreclosed.

The Government's motion for summary affirmance is GRANTED, the motion for extension of time to file a brief is DENIED, and the judgment of the district court is AFFIRMED.