

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

January 26, 2012

Lyle W. Cayce
Clerk

No. 10-51079
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

TYRICE HEGWOOD, also known as Tyrece Hedgemond,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:09-CR-3143-12

Before KING, JOLLY, and GRAVES, Circuit Judges.

PER CURIAM:*

Tyrice Hegwood presents arguments that are foreclosed by *United States v. Tickles*, 661 F.3d 212, 214-15 (5th Cir. 2011), which held that the Fair Sentencing Act of 2010 (FSA) does not apply retroactively to a defendant who is sentenced after the effective date of the FSA but whose offense preceded the FSA's effective date. The Government has moved for summary affirmance, or for an extension of time to file a brief.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 10-51079

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