

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

United States Court of Appeals
Fifth Circuit

FILED

October 19, 2012

Lyle W. Cayce
Clerk

No. 11-11212
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

SHAUN P. DYNES,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:11-CR-104-1

Before HIGGINBOTHAM, OWEN, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Shaun P. Dynes appeals from the 105-month below-guidelines sentence imposed by the district court following his conviction for distribution of child pornography. He argues only that the district court erred by imposing a five-level enhancement pursuant to U.S.S.G. § 2G2.2(b)(3)(B) based upon its finding that Dynes received, or expected to receive, child pornography in exchange for his sharing of child pornography images on a peer-to-peer network.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 11-11212

As part of our review of the procedural reasonableness of the sentence imposed, we must consider whether the district court erred in its calculation of the applicable guidelines range. *See Gall v. United States*, 552 U.S. 38, 51 (2007). The district court's interpretation and application of the Guidelines is reviewed de novo, and its factual findings are reviewed for clear error. *United States v. Rodriguez-Mesa*, 443 F.3d 397, 401 (5th Cir. 2006).

This court has upheld § 2G2.2(b)(3)(B) enhancements in several prior cases presenting facts similar to those at issue here. *See United States v. Onken*, 440 F. App'x 304, 305 (5th Cir. 2011) (per curiam); *United States v. Roman*, 393 F. App'x 149, 149-50 (5th Cir. 2010) (per curiam); *United States v. Moore*, 328 F. App'x 308, 309 (5th Cir. 2009) (per curiam). While these cases are not binding, we find them persuasive. *See United States v. Ollison*, 555 F.3d 152, 164 (5th Cir. 2009).

AFFIRMED.