

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

No. 14-40450
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 7, 2015

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

SOTERO RAMIREZ-BALLEJO,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:13-CR-934

Before REAVLEY, DENNIS, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Sotero Ramirez-Ballejo appeals the 42-month prison term imposed following his guilty plea conviction for illegal reentry. For the first time on appeal, he contends that the district court committed reversible plain error by imposing the 16-level enhancement of U.S.S.G. § 2L1.2(b)(1)(A)(i), based on his prior Texas conviction for possessing methamphetamine with intent to deliver, when the Texas statute of conviction could encompass administering a

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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controlled substance and giving away a controlled substance for no remuneration.

These arguments are foreclosed by our recent holdings in *United States v. Martinez-Lugo*, 782 F.3d 198, 204-05 (5th Cir. 2015), and *United States v. Teran-Salas*, 767 F.3d 453, 458-62 (5th Cir. 2014), *cert. denied*, 135 S. Ct. 1892 (2015). Accordingly, Ramirez-Ballejo has shown no clear or obvious error with regard to his sentence. *See Puckett v. United States*, 556 U.S. 129, 135 (2009).

AFFIRMED.