

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

No. 14-51188
c/w No. 14-51191
Conference Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 18, 2015

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MARCO ANTONIO ORTIZ-VARELA,

Defendant-Appellant

Appeals from the United States District Court
for the Western District of Texas
USDC No. 4:14-CR-535-1
USDC No. 4:14-CR-376-1

Before JOLLY, GRAVES, and COSTA, Circuit Judges.

PER CURIAM:*

Appealing the judgments in criminal cases, Marco Antonio Ortiz-Varela raises an argument that is foreclosed by *United States v. Martinez-Lugo*, 782 F.3d 198, 204-05 (5th Cir. 2015), *petition for cert. filed* (June 19, 2015) (No. 14-10355). In *Martinez-Lugo*, 792 F.3d at 204-05, we held that an enhancement under U.S.S.G. § 2L1.2(b)(1)(A)(i) for a prior conviction of a drug trafficking

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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offense is warranted regardless whether the conviction for the prior offense required proof of remuneration or commercial activity.

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