

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

February 18, 2009

Charles R. Fulbruge III
Clerk

No. 08-50161

Conference Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

DAVID ERIC GARCIA

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:99-CR-22-1

Before HIGGINBOTHAM, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

David Eric Garcia appeals from three consecutive sentences of 24 months of imprisonment imposed following revocation of his supervised release. He argues that the district court lacked the authority to order that his federal sentences run consecutively to an as-yet-unimposed state sentence. He concedes, however, that this argument is foreclosed. *See United States v. Brown*, 920 F.2d 1212, 1216-17 (5th Cir. 1991), *abrogated on other grounds*, *United States v. Candia*, 454 F.3d 468, 472-73 (5th Cir. 2006).

AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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