

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

October 20, 2009

No. 08-51002  
Conference Calendar

Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

LESTER ALFONSO ALVARADO-HERNANDEZ,

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 2:08-CR-7-ALL

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Before WIENER, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:\*

Appealing the judgment in a criminal case, Lester Alfonso Alvarado-Hernandez presents arguments that he concedes are foreclosed by *United States v. Brown*, 920 F.2d 1212, 1216-17 (5th Cir. 1991), *abrogated on other grounds by* *United States v. Candia*, 454 F.3d 468, 472-73 (5th Cir. 2006), which held that a district court may order a term of imprisonment to run consecutively with an

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

unimposed state sentence. The Government's motion for summary affirmance is GRANTED, and the judgment of the district court is AFFIRMED.