

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

United States Court of Appeals
Fifth Circuit

FILED

November 8, 2010

Lyle W. Cayce
Clerk

No. 09-10797
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ELIZZ GARCIA,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:09-CR-30-1

Before WIENER, PRADO, and OWEN, Circuit Judges.

PER CURIAM:*

Defendant-Appellant Elizz Garcia appeals the sentence imposed following her guilty-plea conviction for possession of stolen mail matter, in violation of 18 U.S.C. § 1708. Garcia asserts that the district court erred when it ordered her federal sentence to run consecutively to a not-yet-imposed state sentence. The government filed motions to supplement the record on appeal and for summary affirmance. We GRANT the motion to supplement the record on appeal. Because Garcia’s challenge is foreclosed by our prior precedent, we GRANT the motion for summary affirmance, and we AFFIRM the district court’s judgment.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 09-10797

See United States v. Brown, 920 F.2d 1212 (5th Cir. 1991), *abrogated on other grounds by United States v. Candia*, 454 F.3d 468, 472-73 (5th Cir. 2006).