

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

United States Court of Appeals
Fifth Circuit

FILED

February 12, 2010

No. 09-20613
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOHAN DARIO REYES-HOBBS, also known as Johan Dario Reyes, also known as Dario Johan Reyes, also known as Johan David Reyes, also known as Johan Dari Reyes,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:09-CR-146-1

Before GARZA, DENNIS, and ELROD, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Johan Dario Reyes-Hobbs presents arguments that he concedes are foreclosed by *United States v. Cepeda-Rios*, 530 F.3d 333, 335-36 (5th Cir. 2008), which held that even after *Lopez v. Gonzales*, 549 U.S. 47 (2006), a second state conviction for simple possession of a controlled substance qualifies as an aggravated felony that supports the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

imposition of an eight-level enhancement under United States Sentencing Guideline § 2L1.2(b)(1)(C). The appellant's motion for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.