

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

United States Court of Appeals  
Fifth Circuit

**FILED**

November 18, 2009

Charles R. Fulbruge III  
Clerk

\_\_\_\_\_  
No. 09-50038

Summary Calendar  
\_\_\_\_\_

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ADAN ANTILLON-PEREZ, also known as Alfredo Gomez-Antillon, also known as Adam Tena Antillon, also known as Alejandro Ibarra-Tena,

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 3:08-CR-2240-1  
\_\_\_\_\_

Before KING, STEWART, and HAYNES, Circuit Judges.

PER CURIAM:\*

Adan Antillon-Perez (Antillon) appeals his guilty plea conviction for attempted illegal reentry following deportation in violation of 8 U.S.C. § 1326. The district court sentenced him to 46 months of imprisonment after imposing a 16-level enhancement under U.S.S.G. § 2L1.2(b)(1)(A)(i) for a prior drug trafficking offense, specifically, possession with intent to distribute more than 500 grams of cocaine.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Antillon contends that the evidence was insufficient to establish his prior federal drug conviction. Because he did not raise this objection in the district court, we review only for plain error. *See United States v. Mondragon-Santiago*, 564 F.3d 357, 364 (5th Cir.), *cert. denied*, 2009 WL 1849974 (Oct. 5, 2009). Antillon has failed to establish plain error because the evidence with which the Government supplemented the record on appeal demonstrates that in 2003 Antillon was convicted of possession with intent to distribute more than 500 grams of cocaine in violation of 21 U.S.C. § 841(a)(1) and sentenced to 30 months of imprisonment. A comparison of the statute and the Guideline at issue shows that a conviction under § 841(a)(1) qualifies as a drug trafficking offense under § 2L1.2(b)(1)(A)(i). *See* § 841(a)(1); § 2L1.2, comment. (n.1(B)(iv)).

The judgment of the district court is AFFIRMED.