

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

United States Court of Appeals
Fifth Circuit

FILED

April 20, 2012

Lyle W. Cayce
Clerk

No. 10-40328
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

SAUL MARTINEZ-PEREZ,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:09-CR-1087-1

Before BENAVIDES, STEWART, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Saul Martinez-Perez appeals from his conviction of illegal reentry following removal. He contends solely that his attempted murder conviction did not constitute a crime of violence for the purpose of the 16-level adjustment to his offense level under U.S.S.G. § 2L1.2(b)(1)(A)(ii) (2009) because Texas's general attempt statute requires an act amounting to more than mere preparation and is therefore broader than the generic meaning of attempt. Martinez-Perez's contention is foreclosed by *United States v. Sanchez*, 667 F.3d 555, 560, 563-66 (5th Cir. 2012).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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