

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

December 29, 2010

No. 10-50231
Summary Calendar

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE ANDRES GONZALEZ,

Defendant-Appellant

cons. w/ No. 10-50238

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE ANDRES GONZALEZ, also known as Jose Andrew Gonzalez, Jr.,

Defendant-Appellant

Appeals from the United States District Court
for the Western District of Texas
USDC No. 1:09-CR-641-1
USDC No. 1:08-CR-98-1

Before JOLLY, GARZA and STEWART, Circuit Judges.

PER CURIAM:*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Jose Andres Gonzalez was convicted following entry of a guilty plea to a charge of illegal reentry following removal and was sentenced to a sentence of 18 months of imprisonment. Gonzalez's supervised release was revoked, and he was sentenced to serve 24 months of imprisonment. The district court ordered the sentences to run consecutively to each other and to any future imprisonment term imposed in a pending state case.

Gonzalez now appeals, presenting 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 unimposed state sentence. Accordingly, the Government's motion for summary affirmance is GRANTED, its alternative motion for an extension of time to file a brief is DENIED, and the judgment of the district court and order revoking supervised release and imposing sentence are AFFIRMED.