

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

United States Court of Appeals
Fifth Circuit

FILED

September 9, 2011

Lyle W. Cayce
Clerk

No. 11-10148
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JESUS VICENTE SANDOVAL-FIERRO,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:10-CR-53-1

Before HIGGINBOTHAM, GARZA, and ELROD, Circuit Judges.

PER CURIAM:*

Jesus Vicente Sandoval-Fierro (Sandoval) appeals from the 71-month sentence imposed after his conviction for illegal reentry following a felony conviction. He argues that the district court erred by relying solely upon the description contained in the presentence report of his two prior Illinois convictions for unlawful delivery of a controlled substance as the basis for imposing a 16-level enhancement pursuant to U.S.S.G. § 2L1.2(b)(1)(A)(i).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Because, he failed to object to the enhancement in the district court, we review for plain error. *United States v. Gonzales*, 484 F.3d 712, 714 (5th Cir. 2007).

In accordance with *Shepard v. United States*, 544 U.S. 13, 16 (2005), the Government has supplemented the record with copies of the Illinois indictment and judgment indicating that Sandoval was convicted, under a pseudonym, of two counts of knowingly delivering a substance containing cocaine in violation of Illinois Compiled Statute Chapter 720, Act 570, Section 401(c)(2); we may consider these documents in determining whether the district court plainly erred. *See United States v. Garcia-Arellano*, 522 F.3d 477, 480 & n.1 (5th Cir. 2008). Sandoval does not contend that these crimes do not constitute “drug trafficking offenses” for purposes of § 2L1.2(b)(1)(A) and has therefore abandoned any such argument. *See United States v. Torres-Aguilar*, 352 F.3d 934, 936 n.2 (5th Cir. 2003).

The Government’s motion for summary affirmance is GRANTED, its alternative motion for an extension of time is DENIED AS UNNECESSARY, and the judgment of the district court is AFFIRMED.