

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

United States Court of Appeals
Fifth Circuit

FILED

April 17, 2012

Lyle W. Cayce
Clerk

No. 11-41036
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

VICTOR VILLANUEVA SANCHEZ,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:11-CR-607-1

Before JONES, Chief Judge, and JOLLY and SMITH, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Victor Villanueva Sanchez raises arguments that are foreclosed by *United States v. Newson*, 515 F.3d 374, 377-78 (5th Cir. 2008), which held that the Government may decline to move for an additional one-point reduction under U.S.S.G. § 3E1.1(b) based on the defendant's refusal to waive his right to appeal. The Government's motion for summary affirmance is GRANTED, the Government's alternative motion for an

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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extension of time to file a brief is DENIED, and the judgment of the district court is AFFIRMED.