

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

United States Court of Appeals
Fifth Circuit

FILED

July 19, 2012

Lyle W. Cayce
Clerk

No. 11-41401
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MARIA HELENA MARTINEZ,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:11-CR-673-1

Before REAVLEY, JOLLY, and DAVIS, Circuit Judges.

PER CURIAM:*

Maria Helena Martinez appeals the sentence imposed following her guilty plea conviction of conspiracy to transport an illegal alien by means of a motor vehicle for private financial gain. She argues that the district court erred by enhancing her sentence pursuant to U.S.S.G. § 2L1.1(b)(6) based on a finding that she intentionally or recklessly created a substantial risk of death or serious bodily injury to the alien by transporting him in the trunk of her vehicle.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 11-41401

This court reviews a district court's interpretation of the Guidelines de novo and reviews the district court's fact findings relative to the § 2L1.1(b)(6) enhancement for clear error. *United States v. Rodriguez*, 630 F.3d 377, 380 (5th Cir. 2011). The transportation of aliens in the trunk of a vehicle is specifically listed in the comments to U.S.S.G. § 2L1.1(b)(6) as the type of conduct contemplated by the Sentencing Commission in drafting the guideline provision. § 2L1.1, comment. (n.5). The district court did not err by enhancing Martinez's sentence.

AFFIRMED.