

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

United States Court of Appeals
Fifth Circuit

FILED

August 21, 2012

Lyle W. Cayce
Clerk

No. 12-10114
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JUAN GRAJEDA-GONZALEZ,

Defendant-Appellant

Appeals from the United States District Court
for the Northern District of Texas
USDC No. 3:11-CR-163-1

Before SMITH, ELROD, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Juan Grajeda-Gonzalez raises arguments that he concedes are foreclosed by *United States v. Newson*, 515 F.3d 374 (5th Cir. 2008), which held that the Government may decline to move for an additional one-level reduction under United States Sentencing Guidelines § 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 extension of time to file a brief is DENIED, and the judgment of the district court is 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.