

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

United States Court of Appeals
Fifth Circuit

FILED

July 11, 2013

Lyle W. Cayce
Clerk

No. 12-20104

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

FRANCISCO MARTINEZ OLGUIN, also known as Francisco Martinez, also known as Francisco Olguin Martinez, also known as Francisco Olquin Martinez, also known as Jose Martinez,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:11-CR-520-1

Before STEWART, Chief Judge, and OWEN and GRAVES, Circuit Judges.

PER CURIAM:*

Francisco Martinez Olguin (Martinez) appeals the 45-month sentence imposed following his conviction for illegal reentry. He contends that the district court erred in enhancing his sentence for a crime of violence under United States Sentencing Guidelines § 2L1.2(b)(1)(A)(ii) based on his Texas conviction for indecency with a child under Texas Penal Code § 21.11(a)(1) and (d) (2003). His

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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challenge is foreclosed by our decisions in *United States v. Cabecera Rodriguez*, 711 F.3d 541, 562 & n.28 (5th Cir. 2013) (en banc), *petition for cert. filed*, (June 6, 2013)(No. 12-10695) and *United States v. Quiroga-Hernandez*, 698 F.3d 227, 228 (5th Cir. 2012).

The judgment of the district court is AFFIRMED.