

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

United States Court of Appeals  
Fifth Circuit

**FILED**

May 20, 2013

Lyle W. Cayce  
Clerk

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No. 12-40803

Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MARTIN GARCIA-CORDERO,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:12-CR-104-1

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Before HIGGINBOTHAM, OWEN, and SOUTHWICK, Circuit Judges.

PER CURIAM:\*

Martin Garcia-Cordero appeals the 41-month sentence imposed following his conviction of being found in the United States after previous deportation. Garcia-Cordero contends that the district court erred by imposing a 16-level enhancement pursuant to U.S.S.G. § 2L1.2(b)(1)(A)(ii) based on his prior conviction for attempted indecency with a child under Section 21.11(a)(1) of the Texas Penal Code.

Garcia-Cordero's arguments are foreclosed by our decisions in *United States v. Rodriguez*, 711 F.3d 541, 562-63 (5th Cir. 2013) (en banc), and *United*

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 12-40803

*States v. Quiroga-Hernandez*, 698 F.3d 227, 229 (5th Cir. 2012). Accordingly, the judgment of the district court is AFFIRMED.