

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

United States Court of Appeals  
Fifth Circuit

**FILED**

October 25, 2013

\_\_\_\_\_  
No. 13-40355  
Conference Calendar  
\_\_\_\_\_

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

VIDAL RICO-TOVAR, also known as Vidal Rico,

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:12-CR-1925-1  
\_\_\_\_\_

Before JOLLY, JONES, and HIGGINSON, Circuit Judges.

PER CURIAM:\*

Appealing the judgment in a criminal case, Vidal Rico-Tovar raises an argument that he concedes is foreclosed by *United States v. Rodriguez-Escareno*, 700 F.3d 751, 753-54 (5th Cir. 2012), *cert. denied*, 133 S. Ct. 2044 (2013), which held that the sentence enhancement provided for in U.S.S.G. § 2L1.2(b)(1)(A)(i) applies to a conviction for the federal crime of conspiracy to commit a federal drug-trafficking offense. The appellant's motion for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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