

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

No. 14-40886
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 27, 2015

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

PABLO CORTES,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 1:14-CR-18

Before WIENER, HIGGINSON, and COSTA, Circuit Judges.

PER CURIAM:*

Defendant-Appellant Pablo Cortes pleaded guilty to unlawful presence in the United States after removal following an aggravated felony conviction. In determining Cortes's sentence, the district court imposed a 16-level enhancement, pursuant to U.S.S.G. § 2L1.2(b)(1)(A)(i), based on Cortes's 2012 Texas conviction for possession with intent to deliver more than 4 but less than

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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200 grams of methamphetamine in violation of Texas Health & Safety Code § 481.112(d).

Cortes contends that his prior conviction was not a drug trafficking offense because the conviction could have been imposed for mere administration of a controlled substance and because delivery under § 481.112 encompasses gifts or unremunerated transfers. Both of these issues are foreclosed. *See United States v. Rodriguez-Bernal*, 783 F.3d 1002, 1003-04, 1008 (5th Cir. 2015), *petition for cert. filed* (June 30, 2015) (No. 15-5047); *United States v. Teran-Salas*, 767 F.3d 453, 460-62 (5th Cir. 2014), *cert. denied*, 135 S. Ct. 1892 (2015); *see also United States v. Martinez-Lugo*, 782 F.3d 198, 200-05 (5th Cir. 2015), *petition for cert. filed* (June 19, 2015) (No. 14-10355).

AFFIRMED.