

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

No. 15-51225
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 2, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JUAN CARLOS FRANCO-VILLAGRANA,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:15-CR-479-1

Before REAVLEY, OWEN, and ELROD, Circuit Judges.

PER CURIAM:*

Juan Carlos Franco-Villagrana pleaded guilty to illegal reentry and was sentenced to 46 months of imprisonment. He argues that the district court erred in applying the crime-of-violence enhancement of U.S.S.G. § 2L1.2(b)(1)(A)(ii) (2014) based on his prior Texas conviction for burglary of a habitation.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Section 30.02(a) of the Texas Penal Code is divisible, the state court documents reflect that Franco-Villagrana violated § 30.02(a)(1), and a violation of § 30.02(a)(1) constitutes generic burglary of a dwelling. *See United States v. Uribe*, 838 F.3d 667, 670-71 (5th Cir. 2016), *cert. denied*, 2017 WL 661924 (Mar. 20, 2017) (No. 16-7969); § 2L1.2(b)(1)(A)(ii) & comment. (n.1(B)(iii)) (2014). Accordingly, the district court did not err in applying the crime-of-violence enhancement. *See Uribe*, 838 F.3d at 671.

The judgment of the district court is AFFIRMED.