

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

No. 16-51047

United States Court of Appeals
Fifth Circuit

FILED

March 6, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

HUMBERTO CHACON-IBARRA,

Defendant - Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 4:16-CR-165-1

Before REAVLEY, OWEN, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

This Defendant has been twice deported and had not always observed the law while in this country. He has been sentenced to 30 months in prison, but his guidelines range was erroneously enhanced and his sentence has been suspended.

The error was the enhancement of offense points for a crime where sentence was fully suspended. It was a plain error. *United States v. Rodriguez-*

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Parra, 581 F.3d 227 (5th Cir. 2009). The elements of plain error have been satisfied, and we vacate for resentencing.

VACATED and REMANDED.