

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

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No. 19-10936  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

May 6, 2020

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

CHRISTOPHER MICHAEL SEVIER,

Defendant-Appellant

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:17-CR-69-1

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Before HIGGINBOTHAM, HO, and ENGELHARDT, Circuit Judges.

PER CURIAM:\*

Christopher Michael Sevier appeals his sentence to 60 months of imprisonment and three years of supervised release following his guilty plea conviction for possession of a firearm by a felon and possession with intent to distribute a controlled substance. He contends that his prior Texas conviction for aggravated assault with a deadly weapon should not have been used to enhance his base offense level, pursuant to U.S.S.G. § 2K2.1. He maintains

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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that the Texas offense of aggravated assault does not meet the § 4B1.2(a) definition of crime of violence because the Texas offense is materially broader than the enumerated offense of aggravated assault and it lacks the use, attempted use, or threatened use of physical force as an element. He concedes that his argument is foreclosed under *United States v. Guillen-Alvarez*, 489 F.3d 197 (5th Cir. 2007), but presents his argument for further review.

In *Guillen-Alvarez*, this court held that the Texas offense of aggravated assault with a deadly weapon constitutes the enumerated offense of aggravated assault, and thus qualifies as a conviction for a crime of violence. *Guillen-Alvarez*, 489 F.3d at 198-201. Thus, Sevier is correct that his argument is foreclosed and summary affirmance is appropriate. *See Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969).

The Government's motion for summary affirmance is GRANTED, the district court's judgment is AFFIRMED, and the Government's alternative motion for an extension of time to file a brief is DENIED.