

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

No. 13-40124
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

November 8, 2013

UNITED STATES OF AMERICA,

Lyle W. Cayce
Clerk

Plaintiff-Appellee

v.

DOMINGIO ISAIAS TAX-GARCIA, also known as Domingo Isaias Tax-Garcia,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:12-CR-765-1

Before WIENER, OWEN, and HAYNES, Circuit Judges.

PER CURIAM:*

Defendant-Appellant Domingio Tax-Garcia was convicted of one charge of illegal reentry into the United States, and the district court imposed a within-guidelines sentence of 60 months in prison and a three-year term of supervised release. Tax-Garcia contends on appeal that the district court erred by refusing to award him a third point for acceptance of responsibility under United States Sentencing Guidelines § 3E1.1(b) after the government refused

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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to move for the reduction because he would not waive his right of appeal. This argument is foreclosed by *United States v. Newson*, 515 F.3d 374, 376-79 (5th Cir. 2008).

AFFIRMED.