IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit
FILED
August 18, 2015
Lyle W. Cayce
Clerk

No. 14-41244
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MARCELO GARRIDO-REYES, also known as Marcelo G. Reyes,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:14-CR-439-1

Before JOLLY, GRAVES, and COSTA, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Marcelo Garrido-Reyes raises an argument that is foreclosed by *United States v. Martinez-Lugo*, 782 F.3d 198, 204-05 (5th Cir. 2015), *petition for cert. filed* (June 19, 2015) (No. 14-10355). In *Martinez-Lugo*, 782 F.3d at 204-05, we held that an enhancement pursuant to U.S.S.G. § 2L1.2(b)(1)(A)(i) for a prior conviction of a drug

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

trafficking offense is warranted regardless whether the conviction for the prior offense required proof of remuneration or commercial activity.

Garrido-Reyes also raises an argument that is foreclosed by *United States v. Rodriguez-Escareno*, 700 F.3d 751, 753-54 (5th Cir. 2012), which held that an enhancement pursuant to § 2L1.2(b)(1)(A)(i) applies to a prior conviction for the federal crime of conspiracy to commit a federal drug trafficking offense.

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