

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

United States Court of Appeals  
Fifth Circuit

**FILED**

April 24, 2012

Lyle W. Cayce  
Clerk

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No. 11-40091  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff–Appellee,

v.

GONZALO PUENTE MADRIGAL,

Defendant–Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 5:10-CR-1523-1

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Before DENNIS, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:\*

Gonzalo Puente Madrigal appeals from his conviction of illegal reentry following removal. As his sole argument on appeal, Puente Madrigal argues that the district court misapplied the Sentencing Guidelines and reversibly erred when it imposed the 16-level “crime of violence” enhancement under U.S.S.G. § 2L1.2(b)(1)(A)(ii) based on his 1990 Texas conviction for attempted murder. Puente Madrigal argues that this conviction does not qualify as a crime of violence because the Texas concept of attempt is broader than the generic,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 11-40091

contemporary meaning of attempt. He argues that Texas has not adopted the “substantial step” test of the Model Penal Code and that Texas’s approach instead provides for a broader test.

Puente Madrigal’s arguments have been specifically rejected by this court in *United States v. Sanchez*, 667 F.3d 555, 560-66 (5th Cir. 2012). Accordingly, the judgment of the district court is **AFFIRMED**.