

July 13, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-50005
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FERNANDO ANTONIO BONILLA,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. W-03-CR-153-1

Before REAVLEY, JOLLY and DENNIS, Circuit Judges.

PER CURIAM:*

Fernando Antonio Bonilla appeals his sentence for his conviction for illegal reentry following deportation in violation of 8 U.S.C. § 1326.

Bonilla contends that the district court erred when it increased his offense level by 16 levels because his deferred adjudication for the Texas offense of injury to a child was not a final felony conviction for purposes of U.S.S.G. § 2L1.2(b)(1)(A).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

A Texas deferred adjudication may be counted as a felony conviction under U.S.S.G. § 2L1.2(b)(1). United States v. Valdez-Valdez, 143 F.3d 196, 203 (5th Cir. 1998). Bonilla's attempt to distinguish his case from Valdez-Valdez is unavailing.

The judgment of the district court is AFFIRMED.