

October 5, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-50630
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE RENE RAMOS-CARABANTES,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:04-CR-535-1

Before JONES, Chief Judge, and SMITH and STEWART, Circuit Judges.

PER CURIAM:*

Appealing the Judgment in a Criminal Case, Jose Rene Ramos-Carabantes raises arguments that are foreclosed by United States v. Rueda-Rivera, 396 F.3d 678, 680 (5th Cir. 2005), which held that the admission of a certificate of nonexistence of record, which reflected that the deported defendant had not received consent to reenter the United States, did not violate a defendant's rights under the Confrontation Clause. The Government's motion for summary affirmance is GRANTED, and the judgment of the district court is AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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