

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-10221
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

EFRAIN CALDERON-RAMIREZ, also known as Fernando Calderon-Ramirez, also known as Fernando Hernandez, also known as Sergio Chavez, also known as Carlos Mendoza-Polanco, also known as Jorge Quesada-Trevino, also known as Mario Renteria-Mendariz, also known as Mario Renteria,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:99-CR-346-1-H

October 19, 2000

Before SMITH, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Efrain Calderon-Ramirez appeals his sentence following his guilty plea conviction for illegal re-entry after deportation in violation of 8 U.S.C. § 1326. Calderon-Ramirez argues that his prior felony conviction was an element of the offense of his conviction. Calderon-Ramirez acknowledges that his argument is foreclosed by Almendarez-Torres v. United States, 523 U.S. 224 (1998), but he seeks to preserve the issue for Supreme Court

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

review in light of Apprendi v. New Jersey, 120 S. Ct. 2348 (2000).

Calderon-Ramirez's argument is foreclosed by Almendarez-Torres, 523 U.S. at 235.

AFFIRMED.