

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-31022
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUAN PEREZ-SANTIAGO, also known as Sergio
Bravo-Lopez,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 00-CR-84-ALL

April 12, 2001

Before JOLLY, HIGGINBOTHAM, and JONES, Circuit Judges.

PER CURIAM:*

Juan Perez-Santiago appeals his guilty-plea conviction for illegal reentry following deportation, a violation of 8 U.S.C. § 1326. Perez argues that, in view of the Supreme Court's recent decision in Apprendi v. New Jersey, 120 S. Ct. 2348, 2362-63 (2000), his sentence should be vacated because it exceeds the two-year statutory maximum sentence for a violation of 8 U.S.C. § 1326(a). Perez also argues that the district court imposed an illegally lengthy period of supervised release. Perez acknowledges that his argument is foreclosed by Almendarez-Torres

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

v. United States, 523 U.S. 224, 235 (1998), and states that he is raising the issue to preserve it for future potential relief.

The Supreme Court did not expressly overrule Almendarez-Torres in Appendi. 120 S. Ct. at 2362 & n.15. Perez' argument is foreclosed by Almendarez-Torres.

AFFIRMED.