

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-41295
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MANUEL ZAPATA-FLORES,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. L-00-CR-704-ALL
- - - - -

August 22, 2001

Before KING, Chief Judge, and POLITZ and PARKER, Circuit Judges.

PER CURIAM:*

Manuel Zapata-Flores appeals the 46-month sentence imposed following his plea of guilty to a charge of being found in the United States after deportation, a violation of 8 U.S.C. § 1326. He contends that the district court erred in holding that his conviction for burglary of a vehicle qualified as an aggravated felony and applying the 16-level enhancement pursuant to 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

Zapata-Flores acknowledges that his argument is foreclosed by United States v. Rodriguez-Guzman, 56 F.3d 18, 20-21 (5th Cir. 1995), but he seeks to preserve the issue for Supreme Court review. Zapata-Flores' argument is foreclosed.

AFFIRMED.