

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-41296
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALEJANDRO CRISANTE-SALAZAR,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
(L-00-CR-688-ALL)

July 24, 2001

Before HIGGINBOTHAM, WIENER, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Alejandro Crisante-Salazar appeals his guilty-plea conviction and sentence, arising out of his having been found in the United States after having been "denied admission, excluded, deported, or removed" in violation of 8 U.S.C. § 1326.

Crisante contends his indictment was unconstitutionally vague because it failed to charge him with any *mens rea*. This contention was *not* raised in district court; therefore, it is reviewed under the standard of "maximum liberality". *United States v. Guzman-*

*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.

Ocampo, 236 F.3d 233, 236 (5th Cir. 2000), *cert. denied*, ___ S. Ct. ___, 2001 WL 321598 (U.S. 29 June 2001, No. 00-9174). *Guzman-Ocampo* deemed sufficient an indictment that contained a charge nearly identical to that in Crisante's indictment. *Id.* at 239; see also *United States v. Berrios-Centeno*, 250 F.3d 294, 299-300 (5th Cir. 2001) (upholding similar indictment under *de novo* standard).

Crisante also claims his prior conviction for transporting aliens did *not* constitute an "aggravated felony" conviction warranting a 16-level increase in his base offense level under U.S.S.G. § 2L1.2(b)(1)(A). As Crisante concedes, this court has already determined that transporting aliens constitutes an aggravated felony. See *United States v. Monjaras-Castaneda*, 190 F.3d 326, 331 (5th Cir. 1999), *cert. denied*, 528 U.S. 1194 (2000). Crisante seeks only to preserve the issue for Supreme Court review.

AFFIRMED