

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-20351
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAIME BARRIENTOS-RODRIGUEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-00-CR-764-1

April 11, 2002

Before SMITH, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:*

Jaime Barrientos-Rodriguez appeals from his sentence for illegal reentry following deportation. Barrientos contends for the first time on appeal that the district court committed reversible error by failing to comply with FED. R. CRIM. P. 32(c)(3)(A), which requires district courts to ascertain that the defendant and counsel have read and discussed the presentence report. He does not argue that the district court's noncompliance affected his substantial rights. Because Barrientos makes no showing of prejudice, he cannot prevail on

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

plain-error review. *United States v. Esparza-Gonzalez*, 268 F.3d 272, 274 (5th Cir. 2001).

AFFIRMED.