

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-40562  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FELIX SANCHEZ-ESPINOSA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. L-01-CR-16-1  
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February 21, 2002

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Felix Sanchez-Espinosa appeals the 77-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 argues, for the first time on appeal, that his indictment violates the Fifth and Sixth Amendments because it does not allege general intent. As Sanchez concedes, however, his argument is foreclosed. See United States v. Guzman-Ocampo, 236 F.3d 233, 237-39 (5th Cir. 2000), cert. denied, 121 S. Ct. 2600 (2001); see also United States v. Berrios-Centeno, 250 F.3d 294,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

297 (5th Cir.), cert. denied, 122 S. Ct. 288 (2001). He raises it only to preserve the issue for Supreme Court review.

The district court's judgment is AFFIRMED.