

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-41067

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

REGINO GALLEGOS-DELGADO,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
(M-01-CR-280-1)

December 11, 2002

Before SMITH, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Contesting his guilty-plea conviction and sentence for attempted illegal reentry into the United States, Gallegos-Delgado maintains: the district court accepted his plea without determining that he understood the charge against him and there were insufficient facts to establish his guilt; and one criminal history point was improperly assessed for a prior theft conviction. To preserve the issue for possible review by the Supreme Court, he also challenges the constitutionality of 8 U.S.C. § 1326(b)(2)'s

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

"aggravated felony" provision. Gallegos-Delgado concedes he did not present any of these issues in district court; they are reviewed only for "plain error". *E.g.*, ***United States v. Vonn***, 122 S.Ct. 1043, 1046 (2002); ***United States v. Rodriguez*** 15 F.3d 408, 414 (5th Cir. 1994).

We have read the briefs and the applicable law, have heard the arguments of counsel, and have consulted pertinent portions of the record. There is no plain error.

AFFIRMED