

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-41223
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CARLOS HUMBERTO GONZALEZ-AVILA,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. L-01-CR-547-ALL

August 21, 2002

Before HIGGINBOTHAM, DAVIS, and PARKER, Circuit Judges.

PER CURIAM:*

Carlos Humberto Gonzalez-Avila appeals his guilty-plea conviction of being found in the United States without permission after deportation, a violation of 8 U.S.C. § 1326. He argues that his indictment is deficient because it does not allege general intent. As Gonzalez-Avila concedes, his contention is foreclosed by Fifth Circuit precedent. See United States v. Guzman-Ocampo, 236 F.3d 233 (5th Cir. 2000), cert. denied, 533

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

U.S. 953 (2001); United States v. Berrios-Centeno, 250 F.3d 294, 297 (5th Cir.), cert. denied, 122 S. Ct. 288 (2001). Gonzalez-Avila raises the issue only to preserve it for review by the Supreme Court.

The judgment of the district court is AFFIRMED.