

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-51257
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

AURELIO SALAS-DE LA MORA, also known as
Sergio Rodriguez-Martinez,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. DR-01-CR-300-1-WWJ

January 28, 2003

Before DAVIS, WIENER, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Aurelio Salas-De La Mora ("Salas") appeals his guilty-plea conviction of being found in the United States after having been previously deported. He argues that his prior cocaine-possession conviction was not an aggravated felony under 2001 Sentencing Guidelines § 2L1.2(b)(1)(C) and that his indictment's failure to allege that he had a prior aggravated-felony conviction violated Apprendi v. New Jersey, 530 U.S. 466 (2000).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Salas's challenge to the adjustment of his offense level under U.S.S.G. § 2L1.2(b)(1)(C) is without merit. See United States v. Caicedo-Cuero, 312 F.3d 697, 706-11 (5th Cir. 2002). His Apprendi challenge is also without merit. See Almendarez-Torres v. United States, 523 U.S. 224 (1998); United States v. Rodriguez-Montelongo, 263 F.3d 429, 434 (5th Cir. 2001).

AFFIRMED.