

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-50085
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GERARDO MARTINEZ-ESPINOZA,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. A-01-CR-205-ALL-SS

February 20, 2003

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

PER CURIAM:*

Gerardo Martinez-Espinoza (Martinez) challenges his sentence following his guilty-plea conviction for being found in the United States after a prior deportation, in violation of 8 U.S.C. § 1326. He argues that his prior state felony conviction for possession of cocaine did not merit the eight-level adjustment provided in U.S.S.G. § 2L1.2(b)(1)(C) for an aggravated felony. Martinez's arguments regarding the definitions of "drug trafficking offense" and "aggravated felony" were recently

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

rejected by this court in United States v. Caicedo-Cuero,
312 F.3d 697, 706-11 (5th Cir. 2002). The district court did not
err in assessing an eight-level adjustment, pursuant to U.S.S.G.
§ 2L1.2(b)(1)(C), to Martinez's sentencing guideline calculation.
Id. The judgment of the district court is therefore AFFIRMED.