

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-50742
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CESAR VELASCO-RODRIGUEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-02-CR-405-ALL-PRM

February 20, 2003

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

PER CURIAM:*

Cesar Velasco-Rodriguez ("Velasco") pleaded guilty to illegal reentry into the United States after having been deported, a violation of 8 U.S.C. § 1326, and was sentenced to 18 months in prison and three years of supervised release. He now appeals his sentence.

Velasco contends that his prior felony conviction in California of possession of narcotic controlled substance did not qualify as an "aggravated felony" under § 2L1.2(b)(1)(C)

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

(Nov. 2001), so as to warrant an eight-level offense-level increase. His arguments regarding the guideline definitions of "drug trafficking offense" and "aggravated felony" recently were rejected in United States v. Caicedo-Cuero, 312 F.3d 697, 706-11 (5th Cir. 2002). The district court did not err in applying the eight-level adjustment. See id.

AFFIRMED.