

February 24, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-40761  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE ISRAEL GARCIA-GOVEA, also known  
as Juan Gabriel Garcia-Melendez,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 1:04-CR-941-ALL  
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Before GARZA, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:\*

Jose Israel Garcia-Govea appeals from his sentence for his jury-trial conviction of illegally reentering the United States after having been deported and after having committed an aggravated felony, in violation of 8 U.S.C. § 1326(a) and (b).

For the first time, Garcia-Govea argues that the district court violated his Fourth Amendment rights by ordering, as a written condition of his supervised release, that he cooperate in the collection of DNA by his probation officer, pursuant to 42

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.C. § 14135A(d). As Garcia-Govea concedes, his claim regarding collection of DNA on supervised release is not ripe for review. See United States v. Riascos-Cuenu, 428 F.3d 1100, 1101-02 (5th Cir. 2005), petition for cert. filed (Jan. 9, 2006) (No. 05-8662). He raises the issue only to preserve it for further review.

The appeal is DISMISSED for lack of jurisdiction.