

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-50301  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ROBERTO MORALES-LOPEZ,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
(EP-95-CR-607-ALL)

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October 21, 1996

Before KING, SMITH, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Roberto Morales-Lopez appeals his sentence for illegal reentry after deportation, in violation of 8 U.S.C. § 1326. He argues, based on his interpretation of 8 U.S.C. § 1101(a)(43), that his prior conviction for burglary of a vehicle could not be considered an aggravated felony under 8 U.S.C. § 1326(b)(2) because this offense was not defined as an aggravated felony when committed, before the effective date of the 1990 amendments to the immigration laws. This issue is foreclosed by United States v. Garcia-Rico, 46 F.3d 8, 9-10 (5th Cir.), cert. denied, 115 S. Ct. 2596 (1995).

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

AFFIRMED.