

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-40285  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE FRANCISCO ROMERO-CALDERON,  
a/k/a Jose Francisco Romero,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. L-96-CR-286-1  
- - - - -

October 23, 1997

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:\*

Jose Francisco Romero-Calderon ("Romero") appeals from his conviction by guilty plea of reentry following deportation. He argues, for the first time on appeal, that the aggravated-felony requirement for sentencing under 8 U.S.C. § 1326(b)(2) makes that subsection an offense separate from illegal entry after deportation. Romero cannot demonstrate plain error, *see United*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

*States v. Calverley*, 37 F.3d 160, 162-64 (5th Cir. 1994)(en banc), *cert. denied*, 513 U.S. 1196 (1995); his contention is foreclosed by our opinion in *United States v. Vasquez-Olvera*, 999 F.2d 943 (5th Cir. 1993).

AFFIRMED.