

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-40869  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RAYMUNDO GARZA-SOTO,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. M-97-CR-93-1  
- - - - -

February 11, 1998

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

PER CURIAM:\*

Raymundo Garza-Soto appeals from his sentence for illegal reentry into the United States after his deportation in violation of 8 U.S.C. § 1326. Garza-Soto argues that he was charged with and pleaded guilty to simple illegal reentry under § 1326(a) and (b) and that he could not be sentenced under § 1326(b)(2) because the indictment failed to allege that he had a prior aggravated felony conviction. His argument is foreclosed by this court's

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

opinion in United States v. Vasquez-Olvera, 999 F.2d 943, 946-47  
(5th Cir. 1993).

AFFIRMED.