

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40892
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUAN JOSE LOPEZ-MARTINEZ,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. M-97-CR-66-1
- - - - -

February 11, 1998

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

PER CURIAM:*

Juan Jose Lopez-Martinez appeals his guilty-plea sentencing for reentry after deportation in violation of 8 U.S.C. § 1326(a) and (b). He argues that he was charged with and pleaded guilty to simple reentry, § 1326(a), but was sentenced as if he had pleaded guilty to reentry following an aggravated felony conviction pursuant to § 1326(b)(2). His argument is foreclosed by this court's opinion in United States v. Vasquez-Olvera, 999 F.2d 943, 946-47 (5th Cir. 1993).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

AFFIRMED.