

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-41550
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

VALENTE ACOSTA-LICEA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. B-97-CR-339-1
- - - - -

February 10, 1999

Before BARKSDALE and EMILIO M. GARZA, Circuit Judges.*

PER CURIAM:**

Valente Acosta-Licea (Acosta) appeals his sentence for his guilty plea conviction for illegal reentry after deportation. Acosta argues for the first time on appeal that the district court erred in enhancing his offense level for being previously being deported after an aggravated felony conviction because there is no evidence regarding the date of deportation. His contention is unsupported by the record. Acosta has failed to

*This matter is being decided by a quorum. 28 U.S.C. § 46(d).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

show plain error. See Robertson v. Plano City of Texas, 70 F.3d 21, 23 (5th Cir. 1995); United States v. Vital, 68 F.3d 114, 119 (5th Cir. 1995).

AFFIRMED.