

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50531
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JESUS TORRES-SERVIN, a/k/a Leonel Contreras, a/k/a
Rafael Torres, a/k/a Rene Torres, a/k/a Pedro Sanchez,
a/k/a Ramon Flores, a/k/a Rafael Caballero-Mejia, a/k/a
Rafael Antonio Maroquin-Mejia, a/k/a Renee Antonio
Monzon, a/k/a Rafael Marroquin, a/k/a Rafael Mejia,
a/k/a Lionel Contreras,

Defendant-Appellant.

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Appeal from the United States District Court
for the Western District of Texas
USDC No. DR-96-CR-253-1
- - - - -

December 9, 1997

Before BARKSDALE, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Jesus Torres-Servin appeals his sentence for illegal reentry of a deported alien. His motion for stay of this decision pending the Supreme Court's decision in Almendarez-Torres v. United States, 117 S. Ct. 1333 (1997), is DENIED.

Torres-Servin argues that the indictment charged an offense

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

under 26 U.S.C. § 1326(a), to which he pleaded guilty, and that his sentence beyond the statutory maximum of subsection (a) violates due process. He concedes that his argument is foreclosed by United States v. Vasquez-Olvera, 999 F.2d 943, 945-46 (5th Cir. 1993).

AFFIRMED.