

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-50645  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

HUGO DANIEL CHACON-DELEON,  
also known as Julio Cesar Estrada,  
also known as Hugo Chacon DeLeonrraga,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 96-CR-276-ALL  
- - - - -

June 17, 1998

Before DAVIS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:\*

Hugo Daniel Chacon-Deleon argues that his sentence for illegal reentry following deportation pursuant to 8 U.S.C. § 1326(b) violates principles of due process because the indictment did not allege his prior felony conviction as an element of the offense. This argument is precluded by the Supreme Court's decision in Almendarez-Torres v. United States, 118 S. Ct. 1219 (1998).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

AFFIRMED.