

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-11182
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JESUS NEVAREZ-GONZALEZ,
also known as Jesus Nevarez,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:98-CR-69-1-Y
- - - - -

June 16, 1999

Before EMILIO M. GARZA, BENAVIDES, and PARKER, Circuit Judges.

PER CURIAM:*

Jesus Nevarez-Gonzalez appeals the sentence imposed by the district court following his guilty-plea conviction for illegal reentry into the United States following deportation, a violation of 8 U.S.C. § 1326. Nevarez-Gonzalez challenges the court's characterization of his prior Nebraska conviction for possession of marijuana as an aggravated felony and the concomitant 16-level

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

increase in his base offense level under U.S.S.G. § 2L1.2(b)(2).

This argument is foreclosed by this court's opinion in United States v. Hinojosa-Lopez, 130 F.3d 691, 694 (5th Cir. 1997).

AFFIRMED.