

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-20292  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RICARDO MANUEL ZEPEDA-CONTRERAS,  
also known as Ruben Rojas-Rios,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-98-CR-488-01  
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December 16, 1999

Before JOLLY, HIGGINBOTHAM, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

Ricardo Manuel Zepeda-Contreras appeals from his conviction of illegal reentry after deportation. He contends solely that the district court erred by adjusting his offense level because he was deported following the commission of an aggravated felony. He argues that his state-court conviction of possession of crack cocaine was not an aggravated felony for guideline sentencing

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

purposes. Zepeda concedes that his argument is foreclosed by our caselaw, but raises his contention solely to preserve it for review by the Supreme Court.

Zepeda's contention is foreclosed by our decision in *United States v. Hinojosa-Lopez*, 130 F.3d 691 (5th Cir. 1997). Zepeda's appeal is without arguable merit and is frivolous. *Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983).

APPEAL DISMISSED. 5TH CIR. R. 42.2.