

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-40818  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JORGE JUAREZ-ARRELLANO,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. B-00-CR-139-1  
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February 15, 2001

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

PER CURIAM:\*

Jorge Juarez-Arrellano appeals his sentence after pleading guilty to being found present in the United States following deportation. Relying on the Supreme Court's recent decision in Apprendi v. New Jersey, 120 S. Ct. 2348 (2000), he argues that his sentence is illegal because a prior aggravated-felony conviction used for sentence-enhancement purposes was not alleged in his indictment. As Juarez-Arrellano acknowledges, his argument remains foreclosed by Almendarez-Torres v. United States, 523 U.S. 224 (1998). See United States v. Dabeit, 231

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

F.3d 979, 984 (5th Cir. 2000), petition for cert. filed, (U.S. Jan. 26, 2001)(No. 00-8299). Accordingly, the district court's judgment is AFFIRMED.