

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-40968
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RITO GARCIA-DE LOERA,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. L-00-CR-414-1

August 23, 2001

Before KING, Chief Judge, POLITZ, and PARKER, Circuit Judges.

PER CURIAM:*

Rito Garcia-De Loera appeals his guilty-plea conviction for being found in the United States after deportation, a violation of 8 U.S.C. § 1326. He argues that his indictment was defective under the Fifth and Sixth Amendments because it did not allege general intent. He does not reassert his argument that the indictment is defective because it does not allege specific intent, and therefore that argument is deemed abandoned. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Garcia's indictment "fairly conveyed that [his] presence was a voluntary act" and satisfied the constitutional requirements of a valid indictment. See United States v. Berrios-Centeno, ___ F.3d ___, 2001 WL 435494, *4 (5th Cir. 2001). The judgment of the district court is AFFIRMED.