

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-20185
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ELIDA MARTINEZ-ARRAMBIDE,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-00-CR-715-1

October 29, 2001

Before WIENER, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Elida Martinez-Arramide (Martinez) appeals a 77-month sentence imposed following her plea of guilty to a charge of being present in the United States after deportation, a violation of 8 U.S.C. § 1326. She contends that because her prior state-court conviction for mere possession of cocaine does not qualify as an "aggravated felony," the district court erred by basing her sentence on a 16-level enhancement pursuant to U.S.S.G. § 2L1.2(b)(1)(A).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Martinez acknowledges that her contention is foreclosed by this court's decisions in United States v. Hinojosa-Lopez, 130 F.3d 691 (5th Cir. 1997), and United States v. Hernandez-Avalos, 251 F.3d 505 (5th Cir. 2001). However, she seeks to preserve the issue for review by the Supreme Court. See McKnight v. General Motors Corp., 511 U.S. 659, 659-60 (1994). Accordingly, the district court's judgment must be AFFIRMED.

AFFIRMED.