

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-20207  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

REYNALDO HERNANDEZ-MENDOZA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-00-CR-747-ALL  
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December 12, 2001

Before HIGGINBOTHAM, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:\*

Reynaldo Hernandez-Mendoza appeals the 70-month sentence imposed following his plea of guilty to a charge of being found in the United States after deportation, a violation of 8 U.S.C. § 1326. Hernandez-Mendoza contends that his indictment violated the Fifth and Sixth Amendments because it lacked an allegation that he acted with general intent. In United States v. Berrios-Centeno, 250 F.3d 294, 296 (5th Cir.), cert. denied, \_\_\_ S. Ct. \_\_\_ (U.S. Oct. 1, 2001) (No. 01-5535), the court examined language substantially identical to the language in Hernandez-

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Mendoza's indictment and held it sufficient to allege a general intent to reenter. Hernandez-Mendoza acknowledges that his argument is foreclosed by this court's precedent in United States v. Guzman-Ocampo, 236 F.3d 233, 236 (5th Cir. 2000), cert. denied, 121 S. Ct. 2600 (2001), and Berrios-Centeno, and seeks only to preserve the issue for review by the Supreme Court.

AFFIRMED.