

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-20285
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALBERTO GUEVARA-RODRIGUEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-00-CR-749-ALL

October 29, 2001

Before WIENER, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Alberto Guevara-Rodriguez (Guevara) appeals his guilty-plea conviction for illegal reentry into the United States, in violation of 8 U.S.C. § 1326. Guevara argues that his indictment was defective under the Fifth and Sixth Amendments because it did not allege general intent. He concedes that his argument is foreclosed by Fifth Circuit precedent, but he seeks to preserve the issue for review by the Supreme Court. Guevara's indictment "fairly conveyed that [his] presence was a voluntary act from the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

allegations that he was deported, removed, and subsequently present without consent of the Attorney General." See United States v. Berrios-Centeno, 250 F.3d 294, 299-300 (5th Cir.), cert. denied, ___ U.S. ___ (U.S. Oct. 1, 2001)(No. 01-5535). Accordingly, his indictment sufficiently alleged the general intent required of 8 U.S.C. § 1326 offenses. See id. at 297-300.

AFFIRMED.