

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-40908
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RICARDO PINEDA-CALDERON,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. L-01-CR-111-ALL

April 11, 2002

Before SMITH, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:*

Ricardo Pineda-Calderon ("Pineda") appeals his guilty-plea conviction for illegally reentering the U.S. after having been deported following an aggravated felony conviction, in violation of 8 U.S.C. § 1326. He argues that his indictment violates the Fifth and Sixth Amendments because it does not allege general intent. As Pineda concedes, however, his argument is foreclosed by Fifth Circuit precedent. See United States v. Berrios-

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Centeno, 250 F.3d 294, 297-300 (5th Cir.), cert. denied, 122 S. Ct. 288 (2001); see also United States v. Guzman-Ocampo, 236 F.3d 233, 237-39 (5th Cir. 2000), cert. denied, 121 S. Ct. 2600 (2001). He raises the argument only to preserve it for Supreme Court review.

The district court's judgment is AFFIRMED.