

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-41103  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MERCEDES ANTONIO IRAHETA-BARRERA,  
also known as Mario Diaz-Hernandez,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. B-01-CR-313-1  
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February 20, 2003

Before WIENER, EMILIO M. GARZA, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Mercedes Antonio Iraheta-Barrera ("Iraheta") appeals from his conviction of having been found in the United States after having been deported, a violation of 8 U.S.C. § 1326.

For the first time on appeal, Iraheta contends that the magistrate judge was without jurisdiction or authority to conduct his guilty-plea hearing because the district court had not yet formally referred the case to the magistrate judge. By failing

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

to object in the district court to the magistrate judge's exercise of authority, Iraheta waived his right to challenge this procedural defect in his plea proceeding. United States v. Bolivar-Munoz, 313 F.3d 253, 256-57 (5th Cir. 2002).

AFFIRMED.