

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-50192  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALFONSO ALVARADO-OLIVAS, also known as Alfonso Alvarado, Jr.,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. EP-00-CR-1012-ALL-H  
- - - - -

July 26, 2001

Before DUHÉ, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:<sup>1</sup>

Alfonso Alvarado-Olivas appeals his sentence from his guilty-plea conviction for illegal reentry after deportation in violation of 8 U.S.C. § 1326. He argues that the 16-level enhancement under U.S.S.G. § 2L1.2(b)(1)(A) "is grossly disproportional to the offense in question" and in violation of the Eighth Amendment's prohibition against cruel and unusual punishment. In United States v. Cardenas-Alvarez, 987 F.2d 1129, 1134 (5th Cir. 1993), this court rejected an Eighth Amendment challenge to a 100-month sentence imposed for attempted illegal reentry. Similarly,

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<sup>1</sup> 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

Alvarado-Olivas's 70-month sentence, which was based upon an ordinary application of U.S.S.G. § 2L1.2(b)(1)(A), does not violate the Eighth Amendment.

AFFIRMED.