

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-50298 c/w No. 01-50306
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TEOFILIO BARCENAS-ANGELINA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. DR-00-CR-583-1
- - - - -

December 12, 2001

Before HIGGINBOTHAM, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Teofilio Barcenas-Angelina appeals from his sentence following his conviction for illegal reentry into the United States following deportation. He argues that the district court failed to verify that he had reviewed the PSR and discussed the PSR with defense counsel, as required by FED. R. CRIM. P. 32(c)(3)(A). The record supports his argument.

Barcenas-Angelina also argues that an FED. R. CRIM. P. 32(c)(3)(A) error requires an automatic remand for resentencing. An identical argument was recently rejected by this court. See

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

United States v. Esparza-Gonzalez, 268 F.3d 272, 274 (5th Cir. 2001). Because Barcenas-Angelina did not object to the FED. R. CRIM. P. 32(c)(3)(A) error during sentencing and has failed to allege that he was prejudiced by such error, he has not demonstrated plain error. Id. Accordingly, the judgment of the district court is AFFIRMED.