

April 24, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-20445  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PAULO CESAR ESPINOZA-HERNANDEZ,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-01-CR-900-ALL  
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Before DAVIS, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:\*

Paulo Cesar Espinoza-Hernandez ("Espinoza") appeals the sentence following his guilty plea for illegal reentry into the United States following deportation. Espinoza argues that his prior conviction for possession of cocaine is not an aggravated felony under the November 1, 2001, Sentencing Guidelines § 2L1.2(b)(1)(C).

Espinoza's arguments regarding the definitions of "drug trafficking offense" and "aggravated felony" are foreclosed by

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

our decision in United States v. Caicedo-Cuero, 312 F.3d 697, 705-11 (5th Cir. 2002), petition for cert. filed, (U.S. Mar. 19, 2003) (No. 02-9747). Accordingly, the district court did not err in assessing the eight-level upward adjustment.

AFFIRMED.