

April 24, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-40151
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

AGUSTIN ADOLFO TERMINEL-BARRIOS,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. L-01-CR-1014-ALL

Before DAVIS, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Agustin Adolfo Terminel-Barrios appeals his guilty-plea conviction for illegally entering the United States at a place other than as designated by immigration officers, in violation of 8 U.S.C. § 1325. He argues for the first time on appeal that, despite his consent to proceed before the magistrate judge, the magistrate judge lacked jurisdiction to entertain his guilty plea.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Terminel's argument is foreclosed by this court's decision in United States v. Bolivar-Munoz, 313 F.3d 253, 256-57 (5th Cir. 2002), cert. denied ___ S. Ct. ___, 2003 WL 729161 (U.S. Mar. 31, 2003) (No. 02-9159). Accordingly, his conviction is AFFIRMED.