

**FILED**

August 18, 2004

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-50245  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALFREDO SOTO-VAQUERA, also known as Alfred Soto,  
also known as Alfredo Soto, also known as Alfredo  
Vaguerra Soto, also known as Alfredo Soto Vaguerra,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. SA-03-CR-401-ALL  
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Before HIGGINBOTHAM, DAVIS, and PICKERING, Circuit Judges.

PER CURIAM:\*

Appealing the Judgment in a Criminal Case, Alfredo Soto-  
Vaquera concedes that the arguments raised are foreclosed by  
circuit precedent but seeks to preserve them for further review.  
The Government has moved for summary affirmance in lieu of filing  
an appellee's brief. The motion is GRANTED, and the judgment of  
the district court is AFFIRMED.

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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that this opinion should not be published and is not precedent  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.