

December 14, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-10361
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUAN FELIPE GONZALEZ-AGUILAR, also known as Juan Felipe
Gonzalez Aguilar, also known as Juan Gonzalez Cortez, also
known as Francisco Cortez Gonzalez, also known as Diego
Rafael Gonzalez,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:04-CR-149-ALL

Before KING, Chief Judge, and HIGGINBOTHAM and SMITH, Circuit Judges.

PER CURIAM:*

Appealing the Judgment in a Criminal Case, Juan Felipe
Gonzalez-Aguilar raises arguments that are foreclosed by
Almendarez-Torres v. United States, 523 U.S. 224, 235 (1998),
which held that a prior conviction is a sentencing factor under 8
U.S.C. § 1326(b)(2) and not a separate criminal offense. The

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that this opinion should not be published and is not precedent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

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Government's motion for summary affirmance is GRANTED, and the judgment of the district court is AFFIRMED.