

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

June 19, 2008

No. 08-40108
Conference Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

ANGEL REYES-FIGUEROA

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 1:07-CR-614-ALL

Before JONES, Chief Judge, and JOLLY and DENNIS, Circuit Judges.

PER CURIAM:*

Angel Reyes-Figueroa (Reyes) pleaded guilty to unlawfully attempting to enter the United States after deportation. On appeal, Reyes challenges the district court's characterization of his prior Texas conviction of unauthorized use of a motor vehicle as an aggravated felony. Reyes concedes that this issue is foreclosed, but he nevertheless seeks to preserve it for Supreme Court review in light of the Supreme Court's decision in *Leocal v. Ashcroft*, 543 U.S. 1 (2004). As

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Reyes concedes, this issue is foreclosed. See *Brieva-Perez v. Gonzales*, 482 F.3d 356 (5th Cir. 2007); *United States v. Galvan-Rodriguez*, 169 F.3d 217 (5th Cir. 1999). Accordingly, Reyes's motion for summary disposition is GRANTED and the district court's judgment is AFFIRMED.