

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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No. 18-10140  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit  
**FILED**  
December 12, 2018

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

DAVID FEHR HARDER,

Defendant-Appellant

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 5:17-CR-69-1

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Before HIGGINBOTHAM, ELROD, and DUNCAN, Circuit Judges.

PER CURIAM:\*

David Fehr Harder appeals the sentence imposed following his guilty plea conviction of illegal reentry after deportation. Specifically, he argues for the first time that the district court plainly erred in determining that he had been convicted previously of an aggravated felony and that he faced a maximum statutory prison term of 20 years.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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The record shows that Harder was previously convicted under Iowa Code § 124.401(5) of a Class D felony based on the fact of his prior convictions. Accordingly, Harder has not shown that the district court plainly erred to the extent it found that he had a prior aggravated felony conviction and faced a 20-year maximum prison term. *See Espinal v. Holder*, 636 F.3d 703, 707 (5th Cir. 2011); 21 U.S.C. § 844(a); *see also Puckett v. United States*, 556 U.S. 129, 135 (2009).

AFFIRMED.