

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-50629  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RAFAEL CORONA-JIMENEZ,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
(EP-94-CR-4-1)

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(April 11, 1995)

Before JONES, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Rafael Corona-Jimenez appeals his conviction for illegal re-entry, in violation of 8 U.S.C. § 1326(b)(2). Court-appointed counsel's motion to withdraw is granted, and the appeal is **DISMISSED**.

I.

Corona's counsel has moved to withdraw and has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), identifying sufficiency of the evidence as the only issue "that

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\* Local Rule 47.5.1 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that rule, the court has determined that this opinion should not be published.

might arguably support the appeal". *Id.* at 744. In response, Corona asserted that the Government failed to present proof of an Oregon conviction used to enhance his sentence.

We have independently reviewed counsel's brief, Corona's response, and the record, and have found no nonfrivolous issue. With respect to the sufficiency issue identified by counsel, the record contains ample evidence from which a rational juror could have found that Corona, an alien who had previously been arrested and deported, entered the United States without the consent of the Attorney General of the United States. See *United States v. Cardenas-Alvarez*, 987 F.2d 1129, 1131-32 (5th Cir. 1993). And, with respect to the sentencing issue raised by Corona, the presentence report (PSR) states that the deportation alleged in the indictment was subsequent to his conviction in Oregon for the aggravated felony offense of delivery of a controlled substance. Corona, who was represented by counsel, did not object to the PSR; nor does he assert that it is incorrect.

### III.

For the foregoing reasons, counsel is excused from further responsibilities herein, the motion to substitute counsel on appeal is **DENIED**, and the appeal is

**DISMISSED.**