

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-20846
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MIGUEL ANGEL SILVA-JARA, a/k/a Angel Gomez,
a/k/a Jose Antonio Gonzalez,
a/k/a Carlos Nieto, a/k/a Wilson Rodriguez,
a/k/a Miguel Angel Rodriguez,
a/k/a Willie Rivera, a/k/a Angel M. Silva,

Defendant-Appellant.

Appeal from the United States District Court for the
Southern District of Texas
USDC No. CR-H-96-15-1

June 26, 1997

Before KING, JOLLY, and DENNIS, Circuit Judges.

PER CURIAM:*

Miguel Angel Silva-Jara appeals his sentence for illegal entry following deportation. Silva-Jara argues that the imposition of an enhanced sentence under 8 U.S.C. § 1326(b) was plainly erroneous because the indictment failed to allege and the government failed to prove that he has a prior conviction for an aggravated felony.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

He also argues that his 115-month sentence constitutes cruel and unusual punishment because it is grossly disproportionate to his offense. Having reviewed the record and the briefs of the parties, we AFFIRM. See United States v. Vasquez-Olvera, 999 F.2d 943, 945-47 (5th Cir. 1993); United States v. Prudhome, 13 F.3d 147, 150 (5th Cir. 1994).

A F F I R M E D.