

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-41032
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUAN MANUEL REYES-CRUZ,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. B-95-CR-191-1
- - - - -

December 10, 1997

Before BARKSDALE, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Juan Manuel Reyes-Cruz appeals from the denial of his motion to dismiss the charge of illegal-reentry of an alien following deportation that is pending against him. Reyes contends that the Double Jeopardy Clause bars further prosecution because our previous holding that the district court failed to ascertain a factual basis for the entry of Reyes's guilty plea is tantamount to a holding that the evidence was insufficient to support his conviction.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We have reviewed the record and the briefs of the parties and we find not reversible error. Accordingly, we affirm for essentially the reasons relied upon by the district court.

United States v. Reyes-Cruz, No. B-95-CR-191-1 (S.D. Tex. Oct. 9, 1996).

AFFIRMED.