

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40710
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ANTONIO MARTINEZ-SANCHEZ,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. B-97-CR-44-1

- - - - -
February 10, 1998

Before SMITH, EMILIO M. GARZA, and DeMOSS, Circuit Judges.

PER CURIAM:*

Antonio Martinez-Sanchez appeals from his sentence for illegal reentry into the United States after his deportation in violation of 8 U.S.C. § 1326. Martinez-Sanchez argues that he was charged with and pleaded guilty to simple illegal reentry under § 1326(a) and (b) and that he could not be sentenced under § 1326(b)(2) because the indictment failed to allege that he had a prior aggravated felony conviction. His argument is foreclosed

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

by this court's opinion in United States v. Vasquez-Olvera, 999
F.2d 943, 946-47 (5th Cir. 1993).

AFFIRMED.