

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-40886  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALEJANDRO GARCIA-RODRIGUEZ,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. M-97-CR-95-1  
- - - - -

February 10, 1998

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

PER CURIAM:\*

Alejandro Garcia-Rodriguez argues that the indictment to which he pleaded guilty did not allege that he had been convicted previously of a felony, he pleaded guilty to simple reentry, see 8 U.S.C. § 1326(a), and therefore, the increase to his sentence based on his prior felony conviction is improper. In light of controlling authority, see United States v. Vasquez-Olvera, 999 F.2d 943, 945-46 (5th Cir. 1993), the conviction and sentence are  
  
AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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