

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-20394
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RAFAEL RENTERIA-MARTINEZ,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-97-CR-284-ALL

- - - - -
December 10, 1998

Before DAVIS, DeMOSS and STEWART, Circuit Judges.

PER CURIAM:*

Rafael Renteria-Martinez appeals his sentence after pleading guilty to reentry by a deported alien. He argues that the district court violated Fed. R. Crim. P. 32(c) because it did not make written findings on a disputed factual issue. Because there was no disputed factual issue, Rule 32 does not apply, and Renteria's appeal lacks a factual or legal basis. Accordingly, the sentence of the district court is AFFIRMED, and the appeal is DISMISSED as frivolous. See 5TH CIR. R. 42.2

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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