

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-40200
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUAN VENEGAS-ORTEGA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. M-97-CR-274-1
- - - - -

October 20, 1998

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

Juan Venegas-Ortega appeals his sentence from his guilty-plea conviction for illegal reentry after deportation in violation of 8 U.S.C. § 1326(a) & (b)(2). He argues that the district court erred and acted in violation of his right to due process by imposing a sixteen-point enhancement pursuant to U.S.S.G. § 2L1.2(b)(1)(A) for his Texas felony conviction for possession of cocaine.

We have carefully reviewed the arguments and the appellate

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

record. We conclude that the district court did not err in applying § 2L1.2(b)(1)(A), see United States v. Hinojosa-Lopez, 130 F.3d 691, 694 (5th Cir. 1997), and that Venegas-Ortega's constitutional argument, raised for the first time on appeal, is unfounded. See United States v. Pearson, 910 F.2d 221, 223 (5th Cir. 1991); United States v. Calverley, 37 F.3d 160, 162-64 (5th Cir. 1994)(en banc).

AFFIRMED.