

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-41141
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ANDRES LOPES-FLORIANO, also known as Ramiro
Garcia-Lopez, also known as Arturo Lopez-Lopez,
also known as Nieves Lopez-Sepeda,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. M-98-CR-189-01

December 15, 1999

Before JOLLY, HIGGINBOTHAM, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Appellant, Andres Lopes-Floriano, pleaded guilty to illegal reentry into the United States. He was previously deported following a conviction for illegally transporting aliens. At sentencing, the district court increased his base offense level pursuant to U.S.S.G. § 2L1.2(b)(1)(A), which provides for a sixteen-level increase in the case of a prior deportation following an aggravated felony 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

Lopes contends on appeal, as he did in the district court, that transporting aliens within the United States does not constitute an aggravated felony for purposes of the sixteen-level enhancement. However, our court recently rejected this same argument in United States v. Monjaras-Castaneda, 190 F.3d 326, 330 (5th Cir. 1999). Accordingly, we AFFIRM the judgment of the district court.

AFFIRMED.