IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 98-50715 Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SANTOS JAVIER OJEDA-MARTINEZ,

Defendant-Appellant.

* * * * * * * * * * * * *

No. 98-50732 (Summary Calendar)

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE TRINIDAD GUTIERREZ-VILLA,

Defendant-Appellant.

Appeal from the United States District Court for the Western District of Texas (98-CR-19-1)

_ _ _ _ _ _ _ _ _ _ _ _ _

(98-CR-19-1) (98-CR-12-1)

May 27, 1999

Before SMITH, WIENER, and PARKER, Circuit Judges.

PER CURIAM:*

Defendants-Appellants Santos Javier Ojeda-Martinez and Jose

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Trinidad Gutierrez-Villa appeal their guilty-plea convictions for illegal reentry into the United States after deportation in violation of 8 U.S.C. § 1326(a) & (b)(2). They argue that the district court mistakenly believed that it lacked the authority to depart downward based on their cultural assimilation into the United States. Because the record indicates that the district court recognized its authority to depart downward based on cultural assimilation but determined that a downward departure was not warranted based on the facts of either case, we lack jurisdiction to review the district court's decision. See United States v. Reyes-Nava, 169 F.3d 278, 280 (5th Cir. 1999).

APPEALS DISMISSED.