

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-40884  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE SORTO-GUZMAN, also known as  
Mario Alberto Padilla-Gutierrez,  
also known as Jose Sorto,  
also known as Jose Salome Guzman,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. B-99-CR-69-1  
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August 16, 2000

Before DAVIS, JONES and DeMOSS, Circuit Judges.

PER CURIAM:\*

Jose Sorto-Guzman appeals his conviction for one count of illegal reentry. He first argues that his indictment was defective for charging him with a prohibited status offense. This argument is foreclosed by our recent decision in United States v. Tovas-Marroquin, \_\_\_ F.3d \_\_\_ (5th Cir. July 11, 2000, No. 99-40881).

Sorto argues that the indictment was defective for failure

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

to allege specific intent. This issue was already decided adversely to him. See United States v. Trevino-Martinez, 86 F.3d 65, 68-69 (5th Cir. 1996). He next argues that the district court erred in declining to give his requested jury instructions. However, these instructions were not an accurate statement of law. Consequently, the district court did not abuse its discretion in declining to give these requested instructions. See United States v. Chaney, 964 F.2d 437, 444 (5th Cir. 1992).

Sorto's final argument is that his indictment should have been dismissed because his prior deportation violated due process. This issue has already been decided adversely to him in United States v. Benitez-Villafuerte, 186 F.3d 651, 656-60 (5th Cir. 1999), cert. denied, 120 S. Ct. 838 (2000). Sorto has failed to demonstrate any error in his district court proceedings. Accordingly, the judgment of the district court is AFFIRMED.