

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-40940  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROCAEL LOPEZ-ALVARADO, also known  
as Nelson Carias-Ruano, also known  
as Rocael Lopez-Salvino, also known  
as Bruno Lopez-Alvarado,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. B-99-CR-107-1  
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June 14, 2000

Before JOLLY, DAVIS, and STEWART, Circuit Judges.

PER CURIAM:\*

Rocael Lopez-Alvarado appeals his conviction following a bench trial for illegal reentry into the United States, in violation of 8 U.S.C. § 1326(b)(2). Lopez-Alvarado avers that the district court erred in denying his motion to dismiss the indictment and his motion for judgment of acquittal. Reduced to its essence, Lopez-Alvarado avers that this court should require the Government to prove specific intent under § 1326. He

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

concedes that his argument is foreclosed by our caselaw, but raises his contention to preserve it for review by the Supreme Court.

Lopez-Alvarado's contention is foreclosed by our decisions in United States v. Trevino-Martinez, 86 F.3d 65, 68 (5th Cir. 1996) and United States v. Ortega-Uvalde, 179 F.3d 956, 959 (5th Cir.), cert. denied, 120 S. Ct. 433 (1999). The judgment of the district court is AFFIRMED.

AFFIRMED.