

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-41339  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSÉ DARUD GALVEZ-VILLALOBOS,  
also known as Ricardo Ortiz-Pagunda,  
also known as José Galvez-Villalobos,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. B-99-CR-151-1  
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August 22, 2000

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

PER CURIAM:\*

Jose Darud Galvez-Villalobos (Galvez) appeals from his conviction for illegal reentry following deportation in violation of 8 U.S.C. § 1326. Galvez argues that the indictment is fundamentally defective because it fails to allege that he had the specific intent to reenter this country without authorization from the Attorney General, but he acknowledges that this argument is foreclosed by our decision in United States v. Trevino-Martinez, 86 F.3d 65, 69 (5th Cir. 1996). See also United States

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\* Pursuant to 5<sup>TH</sup> 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5<sup>TH</sup> CIR. R. 47.5.4.

v. Ruff, 984 F.2d 635, 640 (5th Cir. 1993). He raises his contention solely to preserve it for review by the Supreme Court. Accordingly, the decision of the district court is AFFIRMED.