

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-10927  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUAN JOSÉ PAREDES-ESCOBEDO,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:00-CR-33-Y  
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April 12, 2001

Before JOLLY, HIGGINBOTHAM, and JONES, Circuit Judges.

PER CURIAM:\*

Juan José Paredes-Escobedo appeals his conviction and sentence for one count of illegal reentry of a previously deported alien pursuant to 8 U.S.C. §§ 1326(a), (b)(2). Paredes argues that his plea was rendered involuntary by the district court's failure to admonish him that the "aggravated felony" provision of 8 U.S.C. § 1326(b)(2) stated an element of the charge against him that had to be proved to a jury. Pursuant to Almendarez-Torres v. United States, 523 U.S. 224, 243 (1998), this element did not have to be proved to a jury. Accordingly,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

this argument lacks merit. Paredes acknowledges that Almendarez-Torres controls, but he raises this issue to preserve it for review by the Supreme Court. Because Paredes has not shown error on the part of the district court, the judgment of that court is AFFIRMED.