

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-40727
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PEDRO DEANDA,

Defendant-Appellant.

Appeal from the United States District Court for
the Southern District of Texas
(USDC No. V-00-CR-40-1)

December 15, 2000

Before REAVLEY, DeMOSS and BENAVIDES, Circuit Judges.

PER CURIAM:*

Defendant-appellant Pedro Deanda pleaded true to the allegation that he violated a term of his supervised release. He argues that under 18 U.S.C. §

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

3583(e)(3), *amended by* 18 U.S.C. § 3583(h), the district court lacked the power to sentence him to a term in prison followed by supervised release. This argument was decided against him in *Johnson v. United States*, 120 S.Ct. 1795, 1807 (2000).

Despite appellant's disagreement with *Johnson*, it is the law.

AFFIRMED.