

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-41163  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE ANGEL DE LA GARZA-GALLEGOS, also known as  
Juan Arturo Gonzalez-Aguilar,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. L-00-CR-509-1  
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June 13, 2001

Before WIENER, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:\*

Jose Angel De La Garza-Gallegos appeals his guilty-plea conviction for illegal reentry into the United States after deportation in violation of 8 U.S.C. § 1326. He argues that the indictment was defective under the Fifth and Sixth Amendments because it did not allege that he had general intent to reenter the United States. De La Garza-Gallegos's indictment, however, "fairly conveyed that [his] presence was a voluntary act from the allegations that he was deported, removed, and subsequently

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

present without consent of the Attorney General." See United States v. Berrios-Centeno, \_\_\_ F.3d \_\_\_ (5th Cir. Apr. 27, 2001, No. 00-20373), 2001 WL 435494 at \*4. Accordingly, his indictment sufficiently alleged the general intent required of 8 U.S.C. § 1326 offenses. See id. at \*2-\*4.

AFFIRMED.