

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-41213  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ADAN HERNANDEZ-GARCIA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. L-00-CR-613-ALL-S  
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June 22, 2001

Before SMITH, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:\*

Adan Hernandez-Garcia appeals his conviction and sentence following his plea of guilty to one count of illegal reentry into the United States. Hernandez-Garcia first argues that his indictment was constitutionally deficient for failure to allege general intent. This argument is foreclosed by United States v. Guzman-Ocampo, 236 F.3d 233, 237-39 (5th Cir. 2000), petition for cert. filed, (U.S. March 21, 2001)(No. 00-9174).

Hernandez-Garcia next raises several arguments related to whether the district court erred in enhancing his offense level by

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

16 levels based on U.S.S.G. § 2L1.2(b)(1)(A). As Hernandez-Garcia concedes, this issue has already been decided adversely to him. See United States v. Hinojosa-Lopez, 130 F.3d 691 (5th Cir. 1997). To the extent that Hernandez-Garcia raises arguments that are slightly different from those addressed in Hinojosa-Lopez, these arguments are unavailing. Hernandez-Garcia has not shown that his indictment was defective or that the district court erred in sentencing him. Accordingly, Hernandez-Garcia's conviction and sentence are AFFIRMED.