

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-50549
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PEDRO RUIZ-CISNEROS, also known as Juan Saucedo, also known
as Jesus Roque Coronado, also known as Juan F. Saucedo, also
known as Jesus Roque-Coronado, also known as Pancho Lopez,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-00-CR-52-1

December 14, 2000

Before DAVIS, STEWART, and PARKER, Circuit Judges.

PER CURIAM:*

Pedro Ruiz-Cisneros appeals from his sentence for illegal reentry following deportation. He argues that his sentence violated *Apprendi v. New Jersey*, 120 S. Ct. 2348 (2000), because his commission of an aggravated felony before his deportation is an element of his offense and not a sentencing factor. Ruiz raises his contention to preserve it for further review. Ruiz's contention is foreclosed by *United States v. Almendarez-Torres*, 523 U.S. 224 (1998).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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AFFIRMED.