

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 01-21214  
Conference Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAVIER GONZALEZ-HERNANDEZ,

Defendant-Appellant.

-----  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-01-CR-471-1  
-----

August 20, 2002

Before HIGGINBOTHAM, DAVIS, and PARKER, Circuit Judges.

PER CURIAM:\*

Javier Gonzalez-Hernandez ("Gonzalez") appeals his sentence for the offense of illegal reentry after having been convicted of an aggravated felony in violation of 8 U.S.C. § 1326(a) and (b)(2). Gonzalez contends that the district court plainly erred when it delegated to the probation officer the authority to determine Gonzalez's ability to pay the costs of drug or alcohol detection and treatment. Gonzalez's argument is foreclosed by

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

our opinion in United States v. Warden, 291 F.3d 363, 365 (5th Cir. 2002).

AFFIRMED.