

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-40648
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MANUEL VALDEZ-ESCOBEDO,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. L-01-CR-99-ALL

February 21, 2002

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Manuel Valdez-Escobedo ("Valdez") appeals his conviction and 41-month sentence following his plea of guilty to illegal reentry into the United States after deportation, a violation of 8 U.S.C. § 1326. Valdez argues that the indictment in his case did not charge an offense because the indictment did not allege that he had any general intent to reenter the United States.

Valdez concedes that his argument is foreclosed by circuit precedent but seeks to preserve the issue for Supreme Court

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

review. Valdez' argument is foreclosed. See United States v. Berrios-Centeno, 250 F.3d 294, 298-300 (5th Cir.), cert. denied, 122 S. Ct. 288 (2001). The judgment of the district court is AFFIRMED.