

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-40783
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE LUIS HERRERA-RAMIREZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. L-01-CR-233-ALL

February 21, 2002

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Jose Luis Herrera-Ramirez appeals the 96-month sentence imposed following his plea of guilty to a charge of being found in the United States after deportation, a violation of 8 U.S.C. § 1326. He contends that his indictment violated the Fifth and Sixth Amendments because it did not allege general intent.

As Herrera acknowledges, his argument is foreclosed by this court's precedent in United States v. Guzman-Ocampo, 236 F.3d 233, 239-300 n.13 (5th Cir. 2000), cert. denied, 121 S. Ct. 2600 (2001), and United States v. Berrios-Centeno, 250 F.3d 294, 299-

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

300 & n.4 (5th Cir.), cert. denied, 122 S. Ct. 288 (2001), wherein we examined language substantially similar to the language in Herrera's indictment and held that such language sufficiently alleged a general intent to reenter. Herrera wishes to preserve the issue for review by the Supreme Court. Because Herrera's argument is foreclosed, the district court's judgment is

AFFIRMED.