

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-41055
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ELIAS DIEGO ALEJO-ELIZALDE,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. L-01-CR-455

June 19, 2002

Before HIGGINBOTHAM, DAVIS, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Elias Diego Alejo-Elizalde appeals his guilty-plea conviction for illegal reentry into the United States following deportation, in violation of 8 U.S.C. § 1326. He argues that his indictment was defective under the Fifth and Sixth Amendments because it did not allege general intent.

Alejo-Elizalde concedes that his argument is foreclosed by Fifth Circuit precedent, but he seeks to preserve the issue for

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Supreme Court review. Alejo-Elizalde's argument is foreclosed. See United States v. Berrios-Centeno, 250 F.3d 294, 299-300 (5th Cir.), cert. denied, 122 S. Ct. 288 (2001). The judgment of the district court is AFFIRMED.