

April 20, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-50743  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SAUL MORAN-CORTEZ, also known as Salvador Ramirez-Cortez, also known as Saul Ramirez-Cortez, also known as Saul Kiros Aranzamendy, also known as Juan Mendina, also known as Juan Medina Cortez, also known as Cesar Quiros, also known as Arturo Peniche,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 1:04-CR-61-1-LY  
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Before SMITH, CLEMENT, and PRADO, Circuit Judges.

PER CURIAM:\*

Appealing the Judgment in a Criminal Case, Saul Moran-Cortez raises arguments that are foreclosed by Almendarez-Torres v. United States, 523 U.S. 224, 235 (1998), which held that a prior conviction is a sentencing factor under 8 U.S.C. § 1326(b)(2) and not a separate criminal offense. The Government's motion for

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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