

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-50170
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ELEUTERIO ZUBIA-MELENDZ,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. P-95-CR-37
- - - - -

December 11, 1996

Before WIENER, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Eleuterio Zubia-Melendez appeals the sentence he received subsequent to a guilty plea for reentry into the United States after deportation in violation of 8 U.S.C. § 1326. Having reviewed the record and the arguments on appeal, we find that the district court did not commit plain error in making its upward departure from the sentencing guidelines. See United States v. Rodriguez-Guzman, 56 F.3d 18, 20-21 (5th Cir. 1995).

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

AFFIRMED.