

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40999
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BENITO PEREZ-SANCHEZ,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. M-97-CR-107-1
- - - - -

February 11, 1998

Before SMITH, EMILIO M. GARZA, and DeMOSS, Circuit Judges.

PER CURIAM:*

Benito Perez-Sanchez appeals his guilty-plea conviction for illegal entry after deportation, pursuant to 8 U.S.C. § 1326. Perez-Sanchez argues that he was charged and pleaded guilty to the elements of simple reentry, but was sentenced as if he had been convicted of all the elements of § 1326(b)(2) for illegal reentry with a previous aggravated felony conviction. Perez-Sanchez's argument is foreclosed by United States v. Vasquez-Olvera, 999 F.2d 943, 946-47 (5th Cir. 1993).

AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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