

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50693
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CARLOS ECHEVERRI-RODRIGUEZ, a/k/a
Carlos Enrique Echeverri-Rodriguez,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-97-CR-059
- - - - -

April 30, 1998

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:¹

Carlos Echeverri-Rodriguez has appealed his conviction and sentence for illegally reentering the United States after being previously deported. Echeverri contends that the evidence introduced by the Government was insufficient to show that he was previously deported as alleged in the indictment. The evidence was sufficient for a reasonable trier of fact to conclude that the Government had proved the fact of deportation beyond a reasonable doubt. See Jackson v. Virginia, 443 U.S. 307, 319 (1979).

¹Pursuant 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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

Echeverri also contends that his 100-month term of imprisonment, imposed under 8 U.S.C. § 1326(b), violated due process because the Government failed to allege the prior felony conviction element of a § 1326(b) offense. This argument is foreclosed by the Supreme Court's opinion in Almendarez-Torres v. United States, 118 S. Ct. 1219, ____, 1998 WL 126904, *8 (Mar. 24, 1998). The conviction and sentence are AFFIRMED.