

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-10550
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GABRIEL CARDENAS-RICHAR,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 6:97-CR-73-ALL

- - - - -
December 10, 1998

Before DAVIS, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

Gabriel Cardenas-Richar appeals his sentence for illegal reentry after deportation, a violation of 8 U.S.C. § 1326(a). He contends that he should have been awarded a reduction for acceptance of responsibility, pursuant to U.S.S.G. § 3E1.1. Because Cardenas did not object to the findings in the presentence report or to the court's reliance on those findings at sentencing, appellate review is for plain error. See United States v. McCaskey, 9 F.3d 368, 376 (5th Cir. 1993).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Although Cardenas has admitted the factual elements of the crime charged, he did not present any legal argument that did not relate to factual guilt. See, e.g., United States v. Fells, 78 F.3d 168, 171-72 (5th Cir.), cert. denied, 117 S.Ct. 134 (1996); United States v. Broussard, 987 F.2d 215, 224 (5th Cir. 1993).

Cardenas has failed to show that the district court plainly erred in its failure to award a reduction for acceptance of responsibility.

AFFIRMED.