

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-40943
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GUILLERMO MIDENCE FIGUEROA,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. B-99-CR-87-1

August 23, 2000

Before KING, Chief Judge, and POLITZ and WIENER, Circuit Judges.

PER CURIAM:*

Guillermo Midence-Figueroa ("Midence") appeals his conviction following a bench trial for illegal reentry into the United States, in violation of 8 U.S.C. § 1326(b)(2). Midence avers that the district court erred in denying his motion to dismiss the indictment. Reduced to its essence, Midence avers that this court should require the Government to prove specific intent under § 1326. He concedes that his argument is foreclosed by our caselaw, but raises his contention in order to preserve it for review by the Supreme Court.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Midence's contention is foreclosed by our decisions in United States v. Trevino-Martinez, 86 F.3d 65, 68 (5th Cir. 1996) and United States v. Ortegon-Uvalde, 179 F.3d 956, 959 (5th Cir.), cert. denied, 120 S. Ct. 433 (1999). The judgment of the district court is AFFIRMED.

AFFIRMED.