

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 99-41041
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PEDRO DELERMA-FERRETIZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. B-99-CR-149-1

May 31, 2000

Before POLITZ, WIENER, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Pedro Delerma-Ferretiz appeals his conviction for illegal reentry following deportation in violation of 8 U.S.C. § 1326. He contends that the indictment is fundamentally defective because it fails to allege that he had the specific intent to reenter this country without authorization from the Attorney General. Delerma-Ferretiz candidly acknowledges that this argument is foreclosed by our decision in United States

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

v. Trevino-Martinez,¹ but he raises same solely to preserve the issue for review by the Supreme Court. Accordingly, the decision of the district court is AFFIRMED.

¹86 F.3d 65 (5th Cir. 1996), cert. denied, 520 U.S. 1105 (1997).