

November 9, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-50079
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHEYENNE TALAMANTES,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 2:03-CR-9-2

Before REAVLEY, GARZA, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Appealing the Judgment in a Criminal Case, Cheyenne Talamantes raises arguments that are foreclosed by United States v. Celestine, 905 F.2d 59, 60 (5th Cir. 1990), which held that the Eighth Amendment does not bar the reincarceration of defendants who have violated the terms of their supervised release but who have already served the statutory maximum sentence allowed for the initial offense. The Government's

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

motion for summary affirmance is GRANTED, and the judgment of the district court is AFFIRMED.