

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-41114
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUAN ARTURO PARRA-TORRES,
also known as Juan Tapia-Torres,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. M-97-CR-141-1
- - - - -

April 10, 1998

Before JOLLY, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:*

Juan Arturo Parra-Torres appeals his sentence for unlawfully entering the United States after having been previously deported. Parra-Torres argues that his sentence was improperly enhanced pursuant to Title 8 U.S.C. § 1326(b), based upon his prior commission of an aggravated felony, because the charging indictment did not mention the prior aggravated felony conviction. His argument is foreclosed by the Supreme Court's decision in Almendarez-Torres v. United States, ___ U.S. ___, 1998 WL 126904, at *3, *8 (U.S. Mar. 24, 1998).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No.

-2-

AFFIRMED.