

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-10753
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROBERTO DOMINGUEZ-MENDOZA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:98-CR-30-ALL-H
- - - - -

February 12, 1999

Before POLITZ, GARWOOD, and SMITH, Circuit Judges.

PER CURIAM:*

Roberto Dominguez-Mendoza appeals his guilty plea conviction for illegally reentering the United States following his deportation. Dominguez-Mendoza argues that the district court reversibly erred when it failed to determine whether Dominguez-Mendoza had reviewed the presentence report (PSR) as required by Fed. R. Crim. P. 32(c)(3)(A). Even if the court cannot reasonably infer that Dominguez-Mendoza had the opportunity to read and discuss the PSR with his counsel, the district court'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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

failure to comply with Fed. R. Crim. P. 32(c)(3)(A) is harmless.

United States v. Sustaita, 1 F.3d 950, 954 (9th Cir. 1993).

Dominguez-Mendoza does not allege that he did not read the report, and he makes no claim of prejudice. Accordingly, the judgment of the district court is AFFIRMED.