

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-40202
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BERNARDINO MALDONADO-MARTINEZ,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. M-97-CR-244-1
- - - - -

November 12, 1998

Before DAVIS, DUHE', and PARKER, Circuit Judges.

PER CURIAM:*

Bernardino Maldonado-Martinez ("Maldonado") appeals the sentence imposed by the district court following his guilty-plea conviction of illegal reentry into the United States following deportation, a violation of 8 U.S.C. § 1326. Maldonado challenges the characterization of his prior Texas conviction for possession of marijuana as a "drug trafficking" offense and an aggravated felony and the concomitant 16-level increase in his base offense level under U.S.S.G. § 2L1.2(b). He also contends that the notice and specificity requirements of due process are

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

violated by designating his conviction for possession of marijuana as "drug trafficking."

We have reviewed the record and the briefs of the parties and find no plain error. See United States v. Hinojosa-Lopez, 130 F.3d 691, 694 (5th Cir. 1997); United States v. Torrez, 40 F.3d 84, 86 (5th Cir. 1994); United States v. Pearson, 910 F.2d 221, 223 (5th Cir. 1991).

AFFIRMED.