



## **United States v. Garcia-Franco**

189 Fed.Appx. 329 (2006) | Cited 0 times | Fifth Circuit | July 13, 2006

Unpublished Opinion

Conference Calendar

Before DAVIS, BARKSDALE, and DeMOSS, Circuit Judges.

Appealing the Judgment in a Criminal Case, Jesus Garcia-Franco raises arguments that are foreclosed by *Almendarez-Torres v. United States*, 523 U.S. 224, 235 (1998), which held that a prior conviction is a sentencing factor under 8 U.S.C. § 1326(b)(2) and not a separate criminal offense. The Government's motion for summary affirmance is GRANTED, and the judgment of the district court is AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

