

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 06-13700

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT SEPTEMBER 4, 2007 THOMAS K. KAHN CLERK
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D.C. Docket No. 05-00524-CR-T-17EAJ

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FELIX REYES-PARADA,
a.k.a Daniel Reyes-Parada,
a.k.a. Daniel Reyes,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida

(September 4, 2007)

Before EDMONDSON, Chief Judge, and CARNES and FAY, Circuit Judges.

PER CURIAM:

Reyes-Parada was convicted of violating 8 U.S.C. § 1326(a) & (b)(1), and was sentenced to 46 months imprisonment after the district court applied the sixteen-level enhancement under U.S.S.G. § 2L1.2(b)(1)(A)(ii). Reyes-Parada's sole contention is that the enhancement should not have been applied because the 2000 California conviction for assault with a deadly weapon, upon which the enhancement was based, was not a "conviction for a felony" within the meaning of the guideline. That contention is foreclosed by the conviction in this case itself, which was based on Reyes-Parada's guilty plea to the indictment which charged, among other things, that he "previously had been convicted of a felony offense, to wit:" the California assault with a deadly weapon offense.

Because the guilty plea and conviction based on it, which have not been challenged, establish that Reyes-Parada's 2000 California conviction is a felony, we reject his contention that he should have been sentenced as though it were not.

AFFIRMED.