

United States Court of Appeals  
Fifth Circuit

**FILED**

February 7, 2007

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 06-40651  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

REYMUNDO PIEDRA-GARCIA, also known as Ramiro Pedro-Pompa,

Defendant-Appellant.

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Consolidated with  
No. 06-40658  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

REYMUNDO PIEDRA-GARCIA, also known as Sabino Perez Gomez,

Defendant-Appellant.

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Appeals from the United States District Court  
for the Southern District of Texas  
USDC No. 1:05-CR-855  
USDC No. 1:03-CR-368-1  
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Before REAVLEY, JOLLY, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 06-40651 c/w

No. 06-40658

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Appealing the Judgments in Criminal Cases, Reymundo Piedra-Garcia raises arguments that are foreclosed by Almendarez-Torres v. United States, 523 U.S. 224, 235 (1998), which held that 8 U.S.C. § 1326(b)(2) is a penalty provision and not a separate criminal offense. The Government's motion for summary affirmance is GRANTED, and the judgments of the district court are AFFIRMED.