

United States Court of Appeals

Fifth Circuit

F I L E DIN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**March 7, 2007**Charles R. Fulbruge III
ClerkNo. 06-50807
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ESTEBAN ALONZO-SIERRA,

Defendant-Appellant.

Consolidated with
No. 06-50815
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ESTEBAN ALONZO-SIERRA, also known as Manuel Martinez, also known as Esteban Alonzo, also known as Esteban Sierra,

Defendant-Appellant.

Appeals from the United States District Court
for the Western District of Texas
USDC No. 3:06-CR-796-ALL
USDC No. 3:06-CR-244-ALL

Before KING, WIENER, and OWEN, Circuit Judges.

PER CURIAM:*

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 06-50807 c/w

No. 06-50815

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Appealing the Judgments in Criminal Cases, Esteban Alonzo-Sierra 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.