

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

January 30, 2008

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No. 07-50962  
Conference Calendar

Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

JUAN CAZARES-CAMARILLO, also known as Juan Camarillo-Cazares, also known as Juan Camarillo-Cook, also known as Juan Mendez-Perez, also known as Juan Mendez-Gonzalez, also known as Juan Garcia-Gomez, also known as Juan Perez Mendez

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 5:07-CR-106-ALL  
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Before REAVLEY, BENAVIDES, and ELROD, Circuit Judges.

PER CURIAM:\*

Appealing the Judgment in a Criminal Case, Juan Cazares-Camarillo 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. *United States v. Pineda-*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Arrellano, 492 F.3d 624, 625 (5th Cir. 2007), cert. denied, 2008 WL 59441 (Jan. 7, 2008) (No. 07-6202). The Government's motion for summary affirmance is GRANTED, and the judgment of the district court is AFFIRMED.