

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

December 12, 2011

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No. 10-41263  
\_\_\_\_\_

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

MARIO ALBERTO SOLORZANO,

Defendant-Appellant.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC 2:10-CR-711  
\_\_\_\_\_

Before SMITH, PRADO, and ELROD, Circuit Judges.

PER CURIAM:\*

The prior panel opinion is hereby modified to remand the case for an amended judgment to reflect conviction and sentencing under 8 U.S.C. § 1326(b)(1), the provision punishing illegal reentry following deportation subsequent to a non-aggravated felony conviction.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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