

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 00-4444**

---

UNITED STATES OF AMERICA,

Plaintiff - appellee,

versus

OSCAR HERRERA-GUARDAD,

Defendant - Appellant.

---

Appeal from the United States District Court for the District of Maryland, at Greenbelt. J. Frederick Motz, Chief District Judge. (CR-99-507-JFM)

---

Submitted: December 21, 2000

Decided: January 8, 2001

---

Before NIEMEYER, LUTTIG, and TRAXLER, Circuit Judges.

---

Affirmed by unpublished per curiam opinion.

---

Anthony D. Martin, SOLOMON & MARTIN, Greenbelt, Maryland, for Appellant. Lynne A. Battaglia, United States Attorney, James M. Trusty, Assistant United States Attorney, Greenbelt, Maryland, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Oscar Herrera-Guardad appeals his conviction for unauthorized re-entry by a deported alien in violation of 8 U.S.C.A. §§ 1326(a), (b)(2) (West 1999). We affirm.

Herrera-Guardad contends the district court erred by admitting documents from the Alien File that the Immigration and Naturalization Service compiled and maintained regarding his alien status. “[D]ecisions regarding the admission and exclusion of evidence are peculiarly within the province of the district court, not to be reversed on appeal absent an abuse of discretion.” United States v. Ellis, 121 F.3d 908, 926 (4th Cir. 1997) (citation omitted).

We have reviewed the record and briefs and find that the district court did not abuse its discretion by admitting the records. Accordingly, we affirm Herrera-Guardad’s conviction. We grant Appellant’s motion to submit on the briefs and dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED