

Appellant was charged by indictment with illegal re-entry of a deported alien, in
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relevant to the sentencing of an offender and that § 1326(b)(2) is “a penalty provision, which simply authorizes a court to increase the sentence for a recidivist. It does not define a separate crime.”

or Appellant's brief raises an issue which meets our standards for the grant of a certificate of appealability. For substantially the same reasons as set forth