

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

United States Court of Appeals
Fifth Circuit

FILED

December 15, 2009

Charles R. Fulbruge III
Clerk

No. 09-20283

Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ADELSON NAPOLEON AVENDANO, also known as Adelson N. Avendano,
also known as Napoleon Avendano Adelson,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:08-CR-197-1

Before KING, JOLLY, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Adelson Napoleon Avendano raises arguments that are foreclosed by *United States v. Lopez-Ortiz*, 313 F.3d 225, 229-31 (5th Cir. 2002), which held that an immigration judge's failure to inform an alien of his eligibility for discretionary waiver of removal at his removal proceeding did not render the proceeding fundamentally unfair. *See Romero-Rodriguez v. Gonzales*, 488 F.3d 672, 677 n.5 (5th Cir. 2007). The

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 09-20283

appellant's unopposed motion for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.