

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40405
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FRANCISCO ORDONEZ-MENDOZA,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. L-95-CR-156-1
- - - - -

February 27, 1997

Before SMITH, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Francisco Ordonez-Mendoza appeals from his judgment of conviction and sentence following a conditional guilty plea for illegal re-entry following deportation, in violation of 8 U.S.C. § 1326. He argues that the district court erred in denying his motion to dismiss the indictment. He argues that the enhancement information was invalid because he was rendered ineffective

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

assistance of counsel in the conviction used as the basis of the enhancement information, rendering the conviction invalid.

Counsel was not ineffective. See United States v. Ordonez-Mendoza, No. 96-40085 (5th Cir. Aug. 21, 1996) (unpublished).

Ordonez also argues that the underlying deportation order was invalid because the Immigration and Naturalization Service (INS) violated 8 C.F.R. § 242.2(G) by failing to inform him of his right to contact the Mexican consulate. We have reviewed the record and find no reversible error. We affirm the order denying Ordonez's second motion to dismiss the indictment for essentially the reasons given by the district court. See United States v. Ordonez-Mendoza, No. L-95-156 (S.D. Tex. Jan. 16, 1996).

AFFIRMED.