

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-20478  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

NDUBISI VINCENT OMELEBELE,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-99-CR-5-1  
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December 14, 1999

Before JOLLY, HIGGINBOTHAM, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

Defendant-Appellant Ndubisi Vincent Omelebele appeals his conviction for illegal reentry after deportation pursuant to 8 U.S.C. § 1326(a) and (b)(2). Omelebele alleges his underlying deportation proceeding violated his Fifth Amendment right to due process.

Omelebele concedes that the only issue raised in this appeal is foreclosed by our decision in United States v. Benitez-Villafuerte, 186 F.3d 651 (5th Cir. 1999). Benitez-Villafuerte is binding on the panel considering this appeal. See United

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

States v. Kuban, 94 F.3d 971, 973 (5th Cir. 1996), cert. denied, 117 S. Ct. 716 (1997). We affirm the judgment of the district court.

AFFIRMED.