

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-20620
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

HECTOR DURAN-GUEVARA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-99-CR-69-ALL
- - - - -

February 10, 2000

Before HIGGINBOTHAM, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

Hector Duran-Guevara appeals his conviction and sentence for illegal reentry into the United States after deportation, in violation of 8 U.S.C. § 1326(a) and (b)(2). He argues that the district court should have suppressed his prior deportation because commingling of the prosecutorial and adjudicatory functions of the Immigration and Naturalization Service deprived him of due process during the administrative deportation proceeding. This court rejected that argument in United States v. Benitez-Villafuerte, 186 F.3d 651, 659-60 (5th Cir.), petition for cert. filed, ___ U.S.L.W. ___ (U.S. Nov. 22, 1999)(No. 99-

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

7193). The decision of the district court is therefore AFFIRMED.