

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-40933
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE LUIS GARCIA-GARCIA,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. B-99-CR-104-1

June 15, 2000

Before JOLLY, DAVIS, and DUHÉ, Circuit Judges.

PER CURIAM:*

Jose Luis Garcia-Garcia appeals from his conditional guilty-plea conviction for illegal reentry following deportation in violation of 8 U.S.C. § 1326. Garcia-Garcia contends that the district court erred in denying his motion to suppress and to dismiss the indictment, in which he argued that his prior deportation proceedings violated his right to due process. He concedes that the only issue raised in this appeal is foreclosed by our decision in *United States v. Benitez-Villafuerte*, 186 F.3d

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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651, 656-60 (5th Cir. 1999), *cert. denied*, 120 S. Ct. 838 (2000).

The decision of the district court is AFFIRMED.