

**UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT**

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No. 99-41128  
(Summary Calendar)

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ROQUE DeJESUS-MEJIA,

Defendant - Appellant.

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Appeal from the United States District Court  
For the Southern District of Texas  
District Court Number B-99-CR-129-1

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June 26, 2000

Before JOLLY, DAVIS, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Roque DeJesus-Mejia appeals his conviction for illegal reentry into the United States in violation of 8 U.S.C. § 1326 (a) and (b). As he concedes, we have previously rejected both of his appellate arguments. His argument that the district court erred when it denied his motion to dismiss

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\* Pursuant to 5<sup>TH</sup> 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5<sup>TH</sup> CIR. R. 47.5.4.

his indictment because his prior removal was in violation of due process of law is foreclosed by our decision in *United States v. Benitez-Villafuerte*, 186 F.3d 651, 658-60 (5<sup>th</sup> Cir. 1999), *cert. denied*, 120 S. Ct. 838 (2000). His argument that the indictment was defective because it failed to allege specific intent to commit the offense with which he is charged is foreclosed by our decision in *United States v. Ortegon-Uvalde*, 179 F.3d 956, 959 (5<sup>th</sup> Cir.), *cert. denied*, 120 S. Ct. 433 (1999).

AFFIRMED.