

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-11306
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CRUZ IZQUIERDO-SALAS,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:99-CR-34-1
- - - - -

August 22, 2000

Before KING, Chief Judge, and POLITZ and WIENER, Circuit Judges.

PER CURIAM:*

Cruz Izquierdo-Salas (Izquierdo) appeals the district court's denial of his motion to dismiss a criminal indictment for illegal re-entry into the United States following deportation. See 8 U.S.C. § 1326. Izquierdo seeks to collaterally challenge the prior deportation that served as the basis of his illegal re-entry conviction. He argues that the expedited deportation proceedings before an Immigration and Naturalization Services (INS) Officer violated his right to due process.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

This court has held that an expedited deportation proceeding conducted pursuant to 8 U.S.C. § 1228 does not violate an alien's right to due process. See *United States v. Benitez-Villafuerte*, 186 F.3d 651, 657-59 (5th Cir. 1999), *cert. denied*, 120 S. Ct. 838 (2000). Izquierdo does not allege that the INS failed to comply with § 1228(b)(4). See *id.* at 658. Nor does he allege actual prejudice as a result of any procedural irregularities. *Id.* at 658-59. Accordingly, Izquierdo's conviction and sentence are AFFIRMED.