

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-40934
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

HECTOR MANUEL LUCERO,
also known as Hector Nogera,
also known as Juan Pletez-Lucero,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. B-99-CR-128-1

June 16, 2000

Before JOLLY, DAVIS, and DUHÉ, Circuit Judges.

PER CURIAM:*

Hector Manuel Lucero has appealed his conviction for illegal reentry after deportation in violation of 8 U.S.C. § 1326(a),(b). He contends the his right to due process had been violated in his deportation proceedings.

Lucero concedes that his argument is foreclosed by our decision in United States v. Benitez-Villafuerte, 186 F.3d 651, 656-59 (5th Cir. 1999), cert. denied, 120 S. Ct. 838 (2000). He

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

raises his contention solely to preserve it for review by the Supreme Court. Lucero's appeal is without arguable merit and is frivolous. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983).

APPEAL DISMISSED. 5th Cir. R. 42.2.