

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-50210
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

versus

GABRIEL LAUDINO-TORRES,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. A-98-CR-223-1-JN

December 2, 1999

Before KING, Circuit Judge, and POLITZ and DENNIS, Circuit
Judges.

PER CURIAM:*

Appellant, the United States of America, sought to prosecute
appellee, Gabriel Laudino-Torres, for illegal reentry following
previous deportations. The district court granted appellee's
motion to suppress evidence of the prior deportations on due
process grounds, relying on a Northern District of Texas case,
United States v. Benitez-Villafuerte, 3:98-CR-087-T. We have
since reversed the decision of the Northern District of Texas.

* 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that this opinion should not be published and is not precedent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.

United States v. Benitez-Villafuerte, 186 F.3d 651, 657 (5th Cir.

1999). Accordingly, we reverse the judgment of the district court and remand for reconsideration in light of our holding in Benitez-Villafuerte.

REVERSED AND REMANDED.