

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-40122  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ERICK RICARDO TAPIA-RODRIGUEZ,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. C-99-CR-286-1  
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August 24, 2000

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

PER CURIAM:\*

Erick Ricardo Tapia-Rodriguez (Tapia) appeals his conviction for illegal reentry after deportation pursuant to 8 U.S.C. § 1326. Tapia 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. Tapia concedes that the issue raised in this appeal is foreclosed by our decision in United States v. Benitez-Villafuerte, 186 F.3d 651 (5th Cir. 1999), cert. denied, 120 S. Ct. 838 (2000), but raises his contention solely to preserve it

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

for review by the Supreme Court. We affirm the judgment of the district court.

AFFIRMED.