

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-20823
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JORGE ALBERTO GOMEZ-LOPEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-99-CR-92-1

April 13, 2000

Before WIENER, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:*

Jorge Alberto Gomez-Lopez ("Gomez") appeals his conviction for illegal reentry into the United States after deportation, a violation of 8 U.S.C. § 1326. He argues that the district court should have suppressed evidence of his prior administrative deportation because he was deprived of due process during that administrative deportation proceeding under 8 U.S.C. § 1228. Gomez also contends that he need not establish actual prejudice

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

in order to collaterally attack his prior deportation.

This court recently rejected the arguments made by Gomez in United States v. Benitez-Villafuerte, 186 F.3d 651, 659-60 (5th Cir. 1999), cert. denied, 120 S. Ct. 838 (2000). We therefore AFFIRM Gomez's conviction. Additionally, as the record shows that Gomez was found guilty after a trial on stipulated facts, this case is REMANDED so that the district court may correct the clerical error in its judgment stating that Gomez pleaded guilty. See Fed. R. Crim. P. 36.

AFFIRMED IN PART; REMANDED IN PART.