

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-40435  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ISIDRO MONTILLO-ONTIVEROS,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. L-98-CR-843-1  
- - - - -

January 10, 2000

Before DAVIS, EMILIO M. GARZA, and DENNIS, Circuit Judges.

PER CURIAM:\*

Isidro Montillo-Ontiveros appeals his conviction and sentence for illegal reentry into the United States after deportation, in violation of 8 U.S.C. § 1326(b)(2). He argues that the district court should have suppressed his prior deportation because commingling of the prosecutorial and adjudicatory functions of the Immigration and Naturalization Service deprived him of due process during the administrative deportation proceeding. This court rejected that argument in

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

United States v. Benitez-Villafuerte, 186 F.3d 651, 659-60 (5th Cir. 1999).

Montillo also argues that his due process rights were violated by the 16-level aggravated-felony sentencing enhancement he received, pursuant to § 2L1.2(b) of the guidelines, for his prior state conviction for narcotics possession. He contends that mere possession of narcotics should not qualify as an "aggravated felony" for purposes of § 2L1.2(b). This court rejected that argument in United States v. Hinojosa-Lopez, 130 F.3d 691, 693-94 (5th Cir. 1997). Because both of Montillo's arguments are foreclosed by circuit precedent, the decision of the district court is AFFIRMED.