

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-40693
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSÉ ALBERTO MUNIZ-JUAREZ,
also known as Gerardo Herrera-Perez,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
- - - - -

February 16, 2000

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

PER CURIAM:*

Jose Alberto Muniz-Juarez appeals his conviction and sentence for illegal reentry into the United States after deportation, in violation of 8 U.S.C. § 1326(a) and (b)(2). He argues that the district court should have suppressed his prior deportation because he was deprived of due process during the administrative-deportation proceeding accomplished under 8 U.S.C. § 1228. He also argues that he need not establish actual prejudice in order to collaterally attack his prior deporation.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

This court has rejected the arguments made by Muniz-Juarez in United States v. Benitez-Villafuerte, 186 F.3d 651, 659-60 (5th Cir. 1999), cert. denied, 120 S. Ct. 838 (2000). The decision of the district court is therefore AFFIRMED.