

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-41207
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE TRINIDAD PATINO-LULE,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. B-99-CR-223-1

August 22, 2000

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

PER CURIAM:*

Jose Trinidad Patino-Lule appeals his conviction for illegal reentry after deportation pursuant to 8 U.S.C. § 1326(a) and (b)(2). Patino alleges that his underlying deportation proceeding violated his Fifth Amendment right to due process.

Patino concedes that his argument 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 that he

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

raises it in order to preserve it for Supreme Court review. The judgment of the district court is AFFIRMED.