

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-51041
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALVARO LUCERO-SANDOVAL, also known
as Felipe Lozano-Alaniz, also known
as Ramon Rodriguez-Sandoval,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-99-CR-510-DB

June 13, 2000

Before JOLLY, DAVIS, and STEWART, Circuit Judges.

PER CURIAM:*

Alvaro Lucero-Sandoval appeals from his conviction for illegal reentry following deportation in violation of 8 U.S.C. § 1326. Lucero-Sandoval moved to dismiss the indictment on the ground that his prior removal proceedings violated principles of due process. The district court denied the motion to dismiss on the basis that Lucero-Sandoval had not demonstrated that he was prejudiced by the alleged defects in the prior removal proceedings. Lucero-Sandoval argues that the district court

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

erred in holding that he was required to establish prejudice, but he concedes that this argument is foreclosed by our decision in United States v. Benitez-Villafuerte, 186 F.3d 651, 656-60 (5th Cir. 1999), cert. denied, 120 S. Ct. 838 (2000). The decision of the district court is AFFIRMED.