

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-51122
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JORGE CARRERA-CARRILLO,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
(EP-99-CR-769-ALL-DB)

July 5, 2000

Before SMITH, BARKSDALE, and PARKER, Circuit Judges.

PER CURIAM:*

Jorge Carrera-Carrillo appeals his conviction under 8 U.S.C. § 1326 for attempted illegal reentry into the United States following removal. Carrera-Carrillo claims the district court erred in denying his motion to dismiss, in which he asserted that his prior removal proceedings violated his right to due process.

He concedes that the only issue raised in this appeal is foreclosed by our decision in *United States v. Benitez-Villafuerte*, 186 F.3d 651, 656-60 (5th Cir. 1999), *cert. denied*, ___ U.S. ___, 120 S. Ct. 838 (2000); and notes the issue is presented in order to preserve it for possible review by the Supreme 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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

AFFIRMED