

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-20440
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALBRI AMAYA-MATAMOROS,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-00-CR-38-ALL

December 12, 2001

Before HIGGINBOTHAM, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Albri Amaya-Matamoros appeals his conviction following a bench trial for illegal reentry after deportation in violation of 8 U.S.C. § 1326(a) & (b)(2). He argues that the district court erred in denying his motion to suppress his prior deportation and dismiss his indictment. He argues that the district court should have suppressed his prior expedited administrative deportation because it was fundamentally unfair in that he was incorrectly deported as an aggravated felon. Amaya-Matamoros acknowledges that his argument is foreclosed by this court's decision in

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. Hernandez-Avalos, 251 F.3d 505, 507 (5th Cir.),
cert. denied, 122 S. Ct. 305 (2001), but he raises it to preserve
it for possible Supreme Court review.

AFFIRMED.