

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-20728
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JORGE PEREZ-LOPEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-01-CR-157-ALL

April 11, 2002

Before SMITH, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:*

Jorge Perez-Lopez ("Perez") appeals his conviction for illegal reentry into the United States after deportation, a violation of 8 U.S.C. § 1326. He argues that the district court should have suppressed evidence of his prior administrative deportation because he was deprived of due process during that 8 U.S.C. § 1228 administrative deportation proceeding. Perez also contends that he need not establish actual prejudice in order to collaterally attack his prior deportation.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Perez concedes that his appeal is foreclosed by this court's decision in United States v. Benitez-Villafuerte, 186 F.3d 651, 657-60 (5th Cir. 1999), but he seeks to preserve his arguments for Supreme Court review. Perez's conviction is therefore AFFIRMED.