

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

June 19, 2012

Lyle W. Cayce
Clerk

No. 11-41292
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

GUSTAVO GONZALEZ-MENDOZA,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:11-CR-309-1

Before DAVIS, STEWART, and PRADO, Circuit Judges.

PER CURIAM:*

Appealing the judgment in a criminal case, Gustavo Gonzalez-Mendoza raises an argument that he concedes is foreclosed by *United States v. Lopez-Ortiz*, 313 F.3d 225, 229-31 (5th Cir. 2002), which held that errors involving discretionary relief in immigration proceedings do not render the proceedings fundamentally unfair so as to amount to a denial of due process. *See Romero-Rodriguez v. Gonzales*, 488 F.3d 672, 677 n.5 (5th Cir. 2007).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 11-41292

The Government's motion for summary affirmance is GRANTED, its alternative motion for an extension of time to file a brief is DENIED, and the judgment of the district court is AFFIRMED.