

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

No. 17-40368
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 5, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MARCO ANTONIO GARCIA-ECHAVERRIA,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:16-CR-1046-1

Before WIENER, DENNIS, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Marco Antonio Garcia-Echaverria appeals the district court's denial of his motion to dismiss his indictment, which was premised on a collateral attack on a prior removal order. He contends that the immigration judge (IJ) who presided over his prior removal proceeding violated his due process rights by failing to advise him of his eligibility for discretionary relief under § 212(c) of the Immigration and Nationality Act, 8 U.S.C. § 1182. Garcia-Echaverria's

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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argument is foreclosed by this court's precedent. *See United States v. Lopez-Ortiz*, 313 F.3d 225, 230 (5th Cir. 2002) (“[E]ligibility for § 212(c) relief is not a liberty or property interest warranting due process protection.”). Consequently, Garcia-Echaverria has not shown that that the district court erred by denying his motion to dismiss the indictment. *See id.*

AFFIRMED.