

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-10930  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BABATUNDE ISHOLA ADEYEMO,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:93-CR-043-A  
- - - - -

August 24, 1995

Before KING, JOLLY, and WIENER, Circuit Judges.

PER CURIAM:\*

Babatunde Ishola Adeyemo argues that the district court lacked authority to order him deported under 18 U.S.C. § 3583(d). In relevant part, § 3583(d) provides that "if an alien defendant is subject to deportation, the court may provide, as a condition of supervised release, that he be deported and remain outside the United States, and may order that he be delivered to a duly authorized immigration officer for such deportation." 18 U.S.C.

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\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the court has determined that this opinion should not be published.

§ 3583(d). Although the district court could have provided that deportation be a condition of supervised release, the district court lacked authority under § 3583(d) to order the defendant deported without a deportation hearing. See United States v. Quaye, 57 F.3d 447, 449-51 (5th Cir. 1995).

A 1994 amendment to 8 U.S.C. § 1252a(d) authorizes district courts to order aliens deported under certain circumstances. However, this amendment applies only to aliens whose guilty plea or adjudication of guilt is entered after October 25, 1994. See note to 8 U.S.C. § 1252a(d). Adeyemo pleaded guilty on July 6, 1994; the amendment is inapplicable.

Accordingly, we MODIFY the judgment as follows and AFFIRM as modified:

As a condition of supervised release, upon completion of his term of imprisonment the defendant is to be surrendered to a duly-authorized immigration official for deportation in accordance with the established procedures provided by the Immigration and Naturalization Act, 8 U.S.C. §§ 1101 et seq. As a further condition of supervised release, if ordered deported, defendant shall remain outside the United States.

MODIFIED AND AFFIRMED.