

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-41411  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUAN CRUZ-DIAZ, also known as Juan Diaz-Cruz,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. M-99-CR-436-1  
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June 15, 2000

Before JOLLY, DAVIS, and DUHÉ, Circuit Judges.

PER CURIAM:\*

Juan Cruz-Diaz appeals his guilty-plea conviction for being an alien found in the United States after a previous deportation in violation of 8 U.S.C. § 1326(a) & (b). Cruz-Diaz entered a conditional guilty plea, reserving his right to appeal the district court's denial of his motion to suppress his previous deportation. He argues that his previous administrative deportation should have been suppressed because it was conducted by an Immigration and Naturalization Service official without a hearing and without judicial review. Cruz-Diaz's argument is

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

foreclosed by this court's decision in United States v. Benitez-Villafuerte, 186 F.3d 651 (5th Cir. 1999), cert. denied, 120 S. Ct. 838 (2000). We are bound by this court's precedent absent an intervening Supreme Court decision or a subsequent en banc decision. See United States v. Short, 181 F.3d 620, 623-24 (5th Cir. 1999), cert. denied, 120 S. Ct. 825 (2000); United States v. Mathena, 23 F.3d 87, 91 (5th Cir. 1994).

AFFIRMED.