

April 22, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-10412
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BASILIO HERNANDEZ-RODRIGUEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:01-CR-264-ALL-D

Before DAVIS, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Basilio Hernandez-Rodriguez appeals his conviction of illegal reentry following deportation. He argues that his previous deportation proceeding was fundamentally unfair due to the retroactive application of statutory changes to the immigration laws barring him from seeking a waiver of deportation, allowing him to collaterally challenge the deportation proceeding in his criminal case. Hernandez's deportation proceeding was not rendered fundamentally unfair

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

because he was not able to argue for a waiver of deportation.
United States v. Lopez-Ortiz, 313 F.3d 225, 231 (5th Cir. 2002),
cert. denied, 123 S. Ct. 922 (2003).

AFFIRMED.