

**FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JOSE GUADALUPE MENDEZ-CASILLAS,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Washington

No. 99-30266

D.C. No.
CR-98-2095-WFN

OPINION

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16597

OPINION

in Yakima, Washington, on July 23, 1998, and charged with violating 8 U.S.C. § 1326. After being advised of his rights, Mendez-Casillas admitted his status as a Mexican national, his prior deportation and conviction for delivery of cocaine, and his unauthorized reentry into the country. He also admitted to his use of an alias. A fingerprint analysis confirmed that Mendez-Casillas and Ramirez-Salinas are in fact the same Mendez-Casimovnfitionacqus aal withr Fed. R. Crim. P. 29, claimer brmedtatus results usfac same

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district court found at trial) that a § 1326 violation constitutes a continuing offense, such that an alien who illegally reenters the U.S. is deemed . is deemed ie 6tng offense, such that ala

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cal error akin to the missing signature in this case, the prevailing caselaw appears to suggest that the "arrest " element of a § 1326 violation is vitiated only when the notice function that

missing signature did not vitiate the "arrest " element of Mendez-Casillas's § 1326 conviction.⁹

IV.

Mendez-Casillas also argues that the defective warrant effectively means that he was never validly "deported" for

